increasing the compensation of postal employees; to the Committee on the Post Office and Post Roads.

Also, memorial of the Legislature of the State of Massachusetts requesting Congress to appropriate funds to carry out certain recommendations of the Chief of Staff of the United States Army made in furtherance of the national defense act of 1920; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 8211) to correct the military record of Abraham Hetrick; to the Committee on Military Affairs.

By Mr. DENISON: A bill (H. R. 8212) granting an increase of pension to Lizzie Wright; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 8213) granting an increase of pension to Jane E. Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8214) granting an increase of pension to Rachel Morris; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 8215) granting an increase of pension to Robert H. Seidel; to the Committee on Pensions.

By Mr. GLATFELTER: A bill (H. R. 8216) granting an increase of pension to Maria Heusner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8217) granting an increase of pension to Laura J. Nonemaker; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 8218) granting a pension to Emma E. Blake; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 8219) granting a pension to Emma L. Dugent; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 8220) granting an increase of pension to Sylvester B. Brott; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 8221) granting a pension to Ellen Lessing; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 8222) for the relief of Robert C. Osborne; to the Committee on the Post Office and Post Roads.

By Mr. TABER: A bill (H. R. 8223) granting a pension to Harriet D. Rackham; to the Committee on Invalid Pensions.

By Mr. WEFALD: A bill (H. R. 8224) granting a pension to William Roof; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 8225) granting a pension to Fannie Teeple; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8226) granting a patent to the First State Savings Bank of Gladwin, Mich.; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2012. By Mr. ARNOLD: Petition of city and district committee of the Workmen's Circle of Rhode Island, protesting against the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2013. Also, petition of sundry citizens of Keensburg, Ill., asking for the passage of legislation which would materially reduce immigration to this country, and further asking that the base of percentage be the 1890 census; to the Committee on Immigration and Naturalization.

2014. By Mr. CRAMTON: Petition of the Business Men's Association, Mount Clemens, Mich., urging favorable action on the bill proposing increase in salary for postal employees; to the Committee on the Post Office and Post Roads.

2015. Also, petition of the Parent-Teacher Association, Fairgrove, Mich., urging favorable action on the child-labor amendment; to the Committee on the Judiciary.

2016. Also, petition of C. H. King and the other rural carriers at Marlette, Mich., urging favorable action on the Paige bill (H. R. 7016); to the Committee on the Post Office and Post Roads.

2017. By Mr. FULLER: Petition of Sherres-Gillett Co., of Chicago, Ill., opposing House bill 762; to the Committee on Agriculture.

2018. By Mr. KING: Petition of the Dorothy Quincy (Ill.) Chapter of the Daughters of American Revolution, in favor of Towner-Sterling educational bill, fireproof archives building, and migratory bird bill; to the Committee on Education.

2019. Also, petition of Colonel Jonathan Latimer Chapter, D. A. R., for the adoption of the Star Spangled Banner as the national anthem of the United States; to the Committee on the Library.

2020. Also, petition of Hon. John T. Doyle, secretary Civil Service Commission, in re House bill 7495.

2021. Also, petition of M. C. Foster and 30 other citizens of Table Grove, Ill., and vicinity, urging the repeal of tax on trucks, parts, etc.; to the Committee on Ways and Means.

2022. Also, petition of the Association of Drainage and Levee Districts of Illinois, at its meeting in Beardstown, held December 14, 1923; to the Committee on Rivers and Harbors.

2023. Also, petition of the Atkinson, Ill., Women's Club, favoring the Johnson immigration bill and the Porter narcotic bill; to the Committee on Immigration and Naturalization.

2024. Also, petition of Subordinate Lodge No. 122, of the Croatian League of Illinois, protesting against the passage of a "selective immigration act"; to the Committee on Immigration and Naturalization.

2025. By Mr. LEAVITT: Petition of Terry, Mont., Post of the American Legion, indorsing the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2026. By Mr. MAGEE of New York: Petition of Secretary John Cappon and other members of the International Association of Machinists, Syracuse Lodge, No. 381, in favor of House bill 2702, requiring that all strictly military supplies be manufactured in Government-owned navy yards and arsenals, etc.; to the Committee on Naval Affairs.

2027. By Mr. O'CONNELL of Rhode Island: Petition of members of the city and district committee of the Workmen's Circle of Rhode Island, opposing the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2028. By Mr. PATTERSON: Petition of numerous citizens of Camden County, N. J., for modification of the Volstead Act; to the Committee on the Judiciary.

2029. By Mr. PERKINS: Petition of Rev. Gaetano Iorizzo and other foreign-born American citizens living in the vicinity of Hackensack, N. J., requesting the Congress to be considerate for Italy and other races of southern Europe in the immigration legislation (H. R. 7995) about to be considered by the House of Representatives; to the Committee on Immigration and Naturalization.

2030. Also, petition of Pasquale Ciccone and others, representing The Sons of Italy, all naturalized citizens of the United States and living in the State of New Jersey, requesting the Congress to be fair with Italy and the races of southern Europe in determining the immigration legislation, so there will be no unjust discrimination; to the Committee on Immigration and Naturalization.

2031. By Mr. SMITH: Petition of Woman's Christian Temperance Union, Blackfoot, Idaho, protesting against legislation providing amendment to Volstead Act permitting 2.75 per cent beer; to the Committee on the Judiciary.

2032. By Mr. TEMPLE: Petition of Lodge August Bebel, No. 259, S. N. P. J., Meadowlands, Pa., protesting against certain proposals before the Congress of the United States regulating immigration; to the Committee on Immigration and Naturalization.

2033. By Mr. THOMPSON: Petition of Fulton County (Ohio) Board of Education, expressing disapproval of the proposal to establish a Federal department of education; to the Committee on Education.

SENATE.

WEDNESDAY, *March 26, 1924.*

(Legislative day of Monday, March 24, 1924.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Caraway	Ferris	Heflin
Ashurst	Colt	Fess	Howell
Ball	Copeland	Fletcher	Johnson, Minn.
Bayard	Couzens	Frazier	Jones, N. Mex.
Borah	Cummins	George	Jones, Wash.
Brandegee	Curtis	Gerry	Kendrick
Brookhart	Dale	Glass	Keyes
Broussard	Dial	Gooding	King
Bruce	Dill	Hale	Ladd
Bursum	Edge	Harreld	Lodge
Cameron	Edwards	Harris	McKellar
Capper	Elkins	Harrison	McKinley

McLean	Pepper	Shortridge	Walsh, Mass.
McNary	Pittman	Simmons	Walsh, Mont.
Mayfield	Ralston	Smith	Warren
Moses	Ransdell	Smoot	Weller
Neely	Reed, Mo.	Stephens	Willis
Norris	Reed, Pa.	Swanson	
Oddie	Robinson	Trammell	
Overman	Sheppard	Wadsworth	

Mr. NORRIS. I desire to announce the unavoidable absence of the Senator from Minnesota [Mr. SHIPSTEAD] on account of illness.

The PRESIDENT pro tempore. Seventy-seven Senators having answered to their names, there is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 2625) to detach Jim Hogg County from the Corpus Christi division of the southern judicial district of the State of Texas, and attach the same to the Laredo division of the southern judicial district of said State.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7449) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MADDEN, Mr. ANTHONY, and Mr. BYRNS of Tennessee were appointed managers on the part of the House at the conference.

FIRST DEFICIENCY APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7449) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, accept the invitation of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN conferees on the part of the Senate.

PETITIONS AND MEMORIALS.

Mr. WARREN presented a resolution adopted by the Drustvo Bratje Miru Lodge, No. 254, S. N. P. J., of Diamondsville, Wyo., protesting against the passage of immigration legislation discriminating against the Slovenes, which was referred to the Committee on Immigration.

Mr. SHEPPARD presented a petition of sundry citizens of Austin, Tex., praying an amendment to the Constitution granting equal rights to women, which was referred to the Committee on the Judiciary.

Mr. CAPPER presented a petition of sundry citizens of Paradise, Kans., praying for the passage of legislation entirely restricting immigration for a period of five years, which was referred to the Committee on Immigration.

Mr. WILLIS presented a petition signed by approximately 5,000 citizens in the State of Ohio, praying for the passage of legislation granting adjusted compensation to veterans of the World War, which was referred to the Committee on Finance.

REPORT OF COMMITTEES.

Mr. WILLIS, from the Committee on Territories and Insular Possessions, to which was referred the bill (S. 2573) to amend and reenact sections 20, 22, and 50 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," reported it with amendments and submitted a report (No. 304) thereon.

Mr. LADD, from the Committee on Commerce, to which was referred the bill (S. 2825) to extend the time for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich., reported it without amendment and submitted a report (No. 305) thereon.

He also, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 807) authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla., reported it with amendments and submitted a report (No. 306) thereon.

ENROLLED BILLS PRESENTED.

Mr. WATSON, from the Committee on Enrolled Bills, reported that on yesterday they presented to the President of the United States enrolled bills of the following titles:

S. 75. An act for the relief of the Cleveland State Bank, of Cleveland, Miss.; and

S. 1982. An act granting the consent of Congress to the construction, maintenance, and operation by the Chicago, Milwaukee & St. Paul Railway Co., its successors and assigns, of a line of railroad across the northeasterly portion of the Fort Snelling Military Reservation in the State of Minnesota.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARRELD (by request):

A bill (S. 2933) to amend the act of Congress of March 3, 1921, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes'"; to the Committee on Indian Affairs.

By Mr. PITTMAN:

A bill (S. 2934) making an appropriation for additional water storage in Spanish Springs Valley, Newlands reclamation project, State of Nevada; to the Committee on Irrigation and Reclamation.

By Mr. CARAWAY:

A bill (S. 2936) to require registration of lobbyists, and for other purposes; to the Committee on the Judiciary.

By Mr. EDGE:

A bill (S. 2937) granting a pension to Elizabeth K. Brown; to the Committee on Pensions.

By Mr. McKINLEY (for Mr. McCORMICK):

A bill (S. 2938) to amend the war risk insurance act; to the Committee on Finance.

By Mr. CAPPER:

A bill (S. 2939) for the relief of Bruusgaard Kiosteruds Dampskibs Aktieselskab, a Norwegian corporation of Drammen, Norway; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 2940) prohibiting the importation of crude opium for the purpose of manufacturing heroin; to the Committee on Finance.

A bill (S. 2941) authorizing the President of the United States to appoint Philip T. Coffey to the position and rank of captain in the United States Army and immediately retire him with the rank and pay held by him at the time of his discharge (with an accompanying paper); to the Committee on Military Affairs.

By Mr. SMITH:

A bill (S. 2942) for the relief of James C. Baskin; to the Committee on Military Affairs.

By Mr. ELKINS:

A bill (S. 2943) granting an increase of pension to Elizabeth S. Reed; to the Committee on Pensions.

PUBLICATIONS OF OFFICIAL PAPERS OF THE TERRITORIES.

By Mr. RALSTON:

A bill (S. 2935) for the publication of official papers of the Territories of the United States now in the national archives.

Mr. RALSTON. Mr. President, the State Historical Society of Indiana has been petitioning Congress for several years past to have printed the official papers relating to its Territorial government, which are now on file in the archives in Washington. There is a period from the organization of the Territory northwest of the River Ohio in 1787 to the admission of the State of Indiana in 1816 in which Washington was the real capital, to which official papers were sent. Comparatively few of them have been brought to light in recent years, and these by the efforts of private citizens. Every State west of the Allegheny Mountains is in the same situation. The people of 35 States of the Union are denied access to the sources of their own history because the United States holds these papers unpublished. The deprival of the opportunity for historical investigation is felt the more keenly because these States are now passing through the centennial period, when their history becomes a matter of general public interest.

The object of this bill is to put these official papers into print, and I give it my hearty support because I believe the best system of Americanization is through education in our own history, National, State, and local.

The Carnegie Institution has performed a valuable service by publishing a list of these documents, a quarto volume of nearly 500 pages, of which I have a copy here. In this the papers relating to each State are printed under the name of

the State to which they refer, and any Senator who desires to know the wealth of historical material which this publication would make accessible to his own constituents can readily see it here.

I move that the bill be referred to the Committee on Printing.

The motion was agreed to.

REDUCTION OF INTERNAL REVENUE TAXES.

Mr. COPELAND submitted an amendment intended to be proposed by him to House bill 6715, the tax reduction bill, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENTS TO THE CONSTITUTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 4) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto.

The PRESIDENT pro tempore. The Chair thinks it ought to announce that the Senate is now operating under a unanimous-consent agreement which limits Senators to 10 minutes upon both the joint resolution and any amendments that may be offered thereto. If there be no further amendments to be offered as in Committee of the Whole, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate as amended.

Mr. DIAL. Mr. President, I move to reconsider the vote whereby the so-called Jones amendment to the committee amendment was agreed to.

The PRESIDENT pro tempore. The committee amendment was amended and then agreed to as amended.

Mr. WALSH of Montana. As the Senator from South Carolina has signified a desire to move to reconsider the vote by which the Jones amendment was adopted, I move to reconsider the vote by which the amendment offered by the committee as amended by the Jones amendment was adopted.

Mr. CARAWAY. Mr. President, a parliamentary inquiry. Under the unanimous-consent agreement is the motion in order? Was not the agreement simply to consider amendments, and is it now in order to move to reconsider an amendment already agreed to?

The PRESIDENT pro tempore. The Chair is of the opinion that the unanimous-consent agreement is simply an agreement limiting the time during which any Senator may speak. The Chair is of the opinion that the motion to reconsider is in order.

Mr. OVERMAN. Mr. President, a parliamentary inquiry. The joint resolution, as I understand it, is like a bill, and is first considered as in Committee of the Whole. It then goes to the Senate. I think the Senate is entitled to another vote on the Jones amendment when the joint resolution reaches the Senate. Then the Senate will have another opportunity to vote on it, I understand.

Mr. McKELLAR. That would not interfere with the right of a Senator to move to reconsider the vote by which the amendment was agreed to.

Mr. OVERMAN. But there is no use to reconsider it if we have another opportunity to vote on it.

Mr. DIAL. If we are to have another vote on it, I do not care to press my motion to reconsider.

The PRESIDENT pro tempore. The Chair understands the Senator from North Carolina to ask if there will be an opportunity in the Senate to vote upon what is known as the Jones amendment?

Mr. OVERMAN. That is the question.

The PRESIDENT pro tempore. The Chair is of the opinion that there will be no such opportunity to vote directly upon the amendment, but the question can be raised by a motion to strike the Jones amendment from the joint resolution as reported to the Senate from the Committee of the Whole.

Mr. WALSH of Montana. In that case, I withdraw the motion.

The PRESIDENT por tempore. The joint resolution is in the Senate and open to amendment.

Mr. DIAL. Now I move to strike out the Jones amendment to the committee amendment.

The PRESIDENT pro tempore. The Senator from South Carolina moves to strike from the joint resolution the amendment adopted on motion of the Senator from Washington [Mr. JONES], which will be stated by the Secretary.

The READING CLERK. On page 3, line 1, after the word "case," there was inserted the language, "shall be submitted to the legislatures of the several States"; and in line 6, after the words "several States," there were inserted the words "after affirmative or negative action by the respective legislatures."

The PRESIDENT pro tempore. The question is upon agreeing to the motion of the Senator from South Carolina [Mr. DIAL], to strike out the words inserted as stated by the Secretary.

Mr. McKELLAR. I ask for the yeas and nays.

Mr. WALSH of Massachusetts. Mr. President, I should like to ask the Senator from New York [Mr. WADSWORTH] a question. As I understand, there are three schools of thought, or three opinions, in the Senate about this proposed constitutional amendment. There is a group of Senators who are opposed to changing the present methods of amending our Constitution; there is another group of Senators, led by, or at least in agreement with, the Senator from New York, who will vote for the Judiciary Committee proposal if the Jones amendment shall be added to it; and there is still another group of Senators who prefer the committee proposal without the Jones amendment. I should like to ask the Senator from New York if he and the other 12 or 15 Senators on his side of the Chamber who are in agreement with him will refuse to support the committee proposal if the Jones amendment shall be eliminated from the joint committee resolution?

Mr. WADSWORTH. Mr. President, I have no right to speak for any number of Senators here. I can not say how they might vote.

Mr. WALSH of Massachusetts. How about the Senator himself? What is his opinion?

Mr. WADSWORTH. I announced when I was discussing this matter in the first instance that I regarded the original joint resolution as much the more preferable, and that the committee substitute was, in my judgment, preferable to the present Constitution; but there are other Senators who do not agree with me in that opinion, and I can not speak for them.

Mr. WALSH of Massachusetts. I know some Senators on this side of the Chamber——

Mr. WADSWORTH. As a matter of fact, if I may make this observation, the Jones amendment as attached to the Walsh substitute, I think, was proposed in the nature of a compromise, to gather around the joint resolution itself the greatest number of affirmative votes in order that it might receive the two-thirds vote of the Senate which is necessary to its passage; and I very much hope that it will remain in that status.

Mr. WALSH of Massachusetts. It was upon that assumption that I voted for the Jones amendment as a compromise, thinking that if a proposed amendment to the Constitution could not be submitted directly to the people, an indirect way of getting the people's judgment was better than giving the people no voice at all. I wish to make a suggestion to Senators who are sincerely devoted to popular government and who believe in leaving the ratification of constitutional amendments to the people alone. If you had before you the question of amending our Constitution so as to elect Senators by a direct vote of the people and were faced with the alternative of adhering to the old provision of the Constitution, which left the election of Senators alone to the State legislatures, or of adopting an amendment leaving the question in the first instance to the legislatures without any power to make a final decision but allowing an appeal from them to the people, what would you do? Would you not accept an amendment providing only for preliminary discussion and vote by the State legislatures with final decision reserved to the people rather than keep the election of Senators with the legislatures? There can be but one answer—take the best you can get that will give the people authority to sanction changes in their Constitution. To get the final decision of the people who should hesitate about going even in an indirect way to the people rather than giving the power to amend the Constitution solely and alone to the State legislatures?

I repeat, I prefer to go directly to the people, but it is quite apparent, from what I have been able to learn, that we can not get a two-thirds vote in the Senate for that proposition. Now, under the Jones amendment we can go to the people by indirection by first going to the legislature. What difference would it make in the election of a Senator if, while the legislature should vote to support a Republican Senator, there were subsequently the right to go to the people and the people themselves could choose a Democrat?

It seems to me, Mr. President, that, much as I personally should prefer the direct way, rather than destroy the possibility of popular action and so as to give the people the right of final decision, we ought to accept the proposal of the Senator from Washington [Mr. JONES].

Mr. JONES of New Mexico. Mr. President, will the Senator from Massachusetts permit me to make an inquiry?

Mr. WALSH of Massachusetts. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. Would it not be possible to take the final vote upon the joint resolution framed in the way which the Senator from Massachusetts suggests he desires it to be framed; and if the joint resolution in that form should not receive the two-thirds vote, then could we not take up the other proposition?

Mr. WALSH of Massachusetts. I should welcome that. I should have no hesitancy in voting for referring the question of the ratification of constitutional amendments directly to the people.

Mr. JONES of New Mexico. I have made the inquiry because I can see no special advantage in the substance of what is known here as the Jones amendment.

I do not see why two tribunals should undertake to pass upon an amendment to the Constitution. Under the Jones amendment the legislature first would pass upon it in a merely advisory way, and it would ultimately have to go to the people anyway. I can not see the reason for the delay which would be occasioned by that process.

Mr. WALSH of Massachusetts. Does not the Senator agree that a method of finally getting the question of ratification to the people, no matter how many legislatures may intervene, is better than never getting it to the people and leaving the question solely to the legislatures?

Mr. JONES of New Mexico. I quite agree to that; and if I were convinced by a vote taken in the Senate that we could not act on the subject in the other way, then, of course, I should be perfectly willing to accept the compromise.

Mr. WALSH of Massachusetts. I suggest to the Senator that he ask unanimous consent that such a vote may be taken.

Mr. JONES of New Mexico. If that is the best parliamentary way to reach it, I should be very glad to do that.

The PRESIDENT pro tempore. The Chair is not prepared to commit himself as to that parliamentary situation.

Mr. JONES of New Mexico. I suppose if we could get unanimous consent that it might be done.

Mr. WADSWORTH. What might be done?

Mr. JONES of New Mexico. We might take a vote upon the joint resolution with the Jones amendment eliminated and see whether it could pass this body or not.

Mr. WALSH of Montana. I think I can make a suggestion by which such vote can be arrived at. If the Jones amendment is stricken out, there will then be an opportunity to vote on the committee amendment by itself. If that should carry by a two-thirds vote, the desire of the Senator from New Mexico and the Senator from Massachusetts would be met. If it should be defeated, a motion could then be made to reconsider that vote, and then the Jones amendment could be taken up again and added to the committee amendment. So that could be arrived at, and, if that is what the Senators desire, the way to get it would be to strike out the Jones amendment in the first instance.

Mr. JONES of New Mexico. I think, in view of the procedure suggested, that those of us who are opposed to the Jones amendment might very well vote to strike it out, and then later, if we find that we have not a two-thirds vote to carry the joint resolution as a whole, to reconsider that vote and add the Jones amendment.

Mr. WALSH of Montana. Exactly.

Mr. JONES of New Mexico. So all those who evidently are of the same mind upon this subject as the Senator from Massachusetts and myself would be safe in voting to strike out the Jones amendment.

Mr. BRANDEGEE. Mr. President I should like to ask the Senator from Montana a question. I was in agreement with the Senator from Montana in reporting his substitute from the committee and I should like to have it adopted by the Senate if that could be done. The reason why I for one voted for the Jones amendment was that I did not think if it became a part of the joint resolution it would interfere with the submission of proposed amendments to the people; and I thought in that form the joint resolution was more apt to pass, as I realized there were some Senators in the Chamber who would not vote for the committee report as the Senator from Montana had drawn it. Now the Senator from Montana suggests that if we strike out the Jones amendment and have a vote directly on the amendment as reported by the committee, which is the amendment of the Senator from Montana, and if that shall be lost, then upon a motion to reconsider the Jones amendment might be reinstated. But have we any assurance that any Senator who votes against the amendment of the Senator from Montana will move to reconsider?

Mr. WALSH of Montana. The answer to that is very easy, because it is a very common thing for a supporter of a motion to change his vote before the result is announced——

Mr. BRANDEGEE. I know it is.

Mr. WALSH of Montana. With a view to reconsidering.

Mr. BRANDEGEE. I am familiar with the device by which it is done, but all I want to know is, will it be done? I know it can be done if the spirit is willing. I merely mention that possibility.

Mr. WALSH of Montana. I suggest that the Senator make the experiment and vote with us to strike out the Jones amendment, and then, if he thinks it desirable, he can move to reconsider later.

Mr. BRANDEGEE. I do not want to make the experiment, because I want to save something if I can of this reform "of back to the people," and I am afraid that in the swapping of horses we will never get across the stream.

Mr. NEELY. Mr. President, there are forward-looking men on both sides of this Chamber—and in my opinion they constitute a majority of the Senate—who would like to vote for the submission of an amendment which, if adopted, would make it easier for the people to amend the Constitution. But no one can vote for the pending resolution as now encumbered by the Jones amendment without voting further to obstruct the existing method of ratification.

For example, many of us hope that a child-labor amendment to the Constitution may soon be favorably reported by the Committee on the Judiciary; that we may be able to submit it for ratification, and that ratification may be had without a moment's unnecessary delay. The ratification in its present form of the resolution now before the Senate, if effected prior to the ratification of the child-labor amendment, would afford the enemies of the latter measure additional means by which to delay it.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Arkansas?

Mr. NEELY. I yield.

Mr. CARAWAY. Under the Jones amendment, as I understand it, the people will finally determine whether or not a proposed amendment shall be ratified?

Mr. NEELY. That is true.

Mr. CARAWAY. If that is true, then has the Senator any objection to letting the people pass upon the proposed amendments?

Mr. NEELY. On the contrary, I very earnestly desire that the people, and the people alone, may pass on all proposed amendments to the Constitution without having to wait for the State legislatures to consider them. In other words, I favor prompt and direct action by the voters, instead of indirect action, delayed by interminable antecedent parliamentary debate.

There is no justification for the delay provided by the Jones amendment.

Mr. CARAWAY. May I ask the Senator if he would be in favor of abolishing the State legislatures?

Mr. NEELY. No; not for the purpose of enacting legislation.

Mr. CARAWAY. I want to ask the Senator another question. He has no objection, I understand, to the legislatures having something to do with discussing a matter which is not legislation. He is for the referendum and recall, I take it for granted, and believes that the act of a legislature should be referred to the people whenever they want it referred.

Mr. NEELY. I have no objection to letting the people pass on any matter of public policy. I am not afraid to trust them.

Mr. CARAWAY. The only objection, then, the Senator has to the Jones amendment is that delay might be involved.

Mr. NEELY. That is correct.

Mr. CARAWAY. Well, is it not wise to give a chance to have a proposed amendment examined so that the people may have an opportunity to form an intelligent opinion on it, or would the Senator——

Mr. NEELY. Let me answer that question by saying that the people of this country do not need the assistance of any benevolent legislative guardian in order to reach a proper conclusion.

Mr. CARAWAY. Then, why not abolish the legislatures and have all legislation by the people?

Mr. NEELY. For many obvious and adequate reasons, of which I shall specify but one. It would be not only impracticable but utterly impossible for a majority of the people to convene, consider, and enact legislation. But it is neither impossible nor impracticable for them to consider proposed amendments to the Constitution in their homes, and cast their

votes for the ratification or rejection of such amendments at the polls.

Mr. CARAWAY. If the Senator wants a referendum, it will take time to have a question referred to them; but the thing I am after is this:

I have seen so much of propaganda, and the Senator, I am sure, has seen it. There is a fine example of it going on right now in this country. There ought to be some place where the propagandists could be exposed, and the people could ascertain the real merits of the controversy. Amending the Constitution is not like an act of the legislature. It is fundamental. It affects the rights of everybody who lives in America, and it is presumed to affect their rights for all the rest of the ages. Therefore there ought to be some chance for them to know what is actually beneath the proposed amendments. They ought not to be swept along by the propaganda of somebody with a sinister interest and with some money back of him who seeks to get something that he knows he could not get if the people had time to examine the matter.

Ordinarily the man who comes here with whip and spur and wants to ride over the legislature and get something done immediately has something that he knows will not stand examination. We saw that in the case of the Mellon plan. You were told to vote for the Mellon plan and put on your hat and go home; and had it been possible to coerce you and other Senators, the Mellon plan would have been adopted and everybody with large fortunes would have been smiling and everybody else would have been "broke."

Mr. NEELY. Yes; but as long as the able Senator from Arkansas and my good friend the distinguished Senator from Alabama [Mr. HEFLIN] and the patriotic Senator from Nebraska [Mr. NORRIS] and many others that I could readily name are here, there is no danger that the Senate will be swept away by plutocratic propaganda in favor of the Mellon plan or against adjusted compensation for the soldiers.

But, Mr. President, to proceed for a moment: I desire to make it clear that I shall vote for any resolution that will enable the people, without enforced delay, to vote for or against the ratification of amendments to their Constitution. I shall vote for this joint resolution now before the Senate, if we can strip it of the Jones amendment, which, at least in point of time, makes it even more difficult than it is at present to amend the Constitution. But if the motion to strike out the Jones amendment is lost, I shall be compelled to vote against the resolution.

Mr. CARAWAY. Mr. President, it seems to be conceded that the only objection to the Jones amendment is delay. I presume the greatest delay that could occur would be two years. Inasmuch as we have waited 140 years to propose this amendment, there does not seem to have been any great demand for immediate action.

I have wanted myself to see the people have the opportunity to pass directly upon proposed amendments to the Constitution. This amendment is that where a proposal to amend the Constitution shall have been passed down to the States the legislatures shall discuss it; vote upon it. It then is referred to the people. The legislatures can delay it only a short time, and if the Senator from West Virginia is anxious to keep the legislatures from long delaying it he might offer an amendment to the joint resolution providing that the legislatures should receive the amendment in the morning and pass on it in the afternoon, and hasten it on down to the people.

I know that it can not work any harm to any real, meritorious amendment to the Constitution to have a forum where the proposal can be examined and where fallacies may be exposed and mistakes may be pointed out, if there are mistakes or fallacies. Amending the Constitution is such a serious matter that we ought to do it with care and ought to do it with wisdom; and any opportunity to examine into the question that does not impose an unreasonable delay ought not to be objected to by anyone who believes that the proposal ought to have intelligent examination, and who has some proposition to offer to the people the merits or demerits of which he is perfectly willing for the people to know. This affords just that one opportunity.

I am for the joint resolution and I shall vote for it, with or without the Jones amendment; but I am unable to see any valid reason, Mr. President, why the question should not be intelligently examined, why the people should not be given an opportunity to know exactly what it is that they are required to pass upon and determine whether it shall be or shall not be a part of the organic law. The legislatures can not defeat it. It can only give to the question the examination that it would give to any other important question; and if one is in favor of the initiative and referendum, I can see no reason why he should object to this.

Mr. McKELLAR. Mr. President, before the Senator sits down, will he yield to me?

Mr. CARAWAY. I yield.

Mr. McKELLAR. I just want to ask the Senator this question: He says that the legislature could not defeat the amendment. Suppose the legislature did not act within the eight years, what would be the effect of its nonaction? I am merely asking for information.

Mr. CARAWAY. I had not thought of it in that light. It might be well to offer an amendment to the joint resolution providing that the legislature shall act upon the amendment within a reasonable time.

Mr. McKELLAR. It has occurred to me, if the Senator will permit me to interrupt him again, that it would be very easy for people who were interested in effecting such a result to bring about such a condition in certain legislatures that the amendment would not be acted upon at all during the eight years, and in that way a very meritorious amendment might be defeated by the legislatures themselves before it ever got to the people.

Mr. CARAWAY. I can not conceive of a legislature being blocked so that it could not pass upon it one way or the other. I think that is highly improbable.

Mr. McKELLAR. I will change my question. Suppose that as a result of mere inaction of the legislatures 13 of them failed to act: Then would it not have the effect of defeating a very worthy amendment?

Mr. CARAWAY. The sinister interest would have to block the legislature and reblock it, because every State would have had at least two to four terms of its legislature in the eight years, and most of them would have had four different legislatures in that time; so I rather imagine that there would be no trouble of that kind. However, I should not object to an amendment to the Jones amendment that would suggest that the legislature shall act promptly.

Mr. COPELAND. Mr. President——

Mr. CARAWAY. I yield to the Senator.

Mr. COPELAND. I should like to ask the Senator this question: Suppose you have a situation, which is very common in my State, where one party controls one house, and the other party controls the other house. It very often happens that all legislative procedure is blocked by reason of the difference of opinion in those two houses. My judgment is, if I may suggest it before the Senator answers the question, that the Jones amendment should be removed entirely, and the matter should be submitted directly to the people in order that they may pass upon it.

Mr. CARAWAY. Of course, answering facetiously, if I were the Senator I would change my legislature so that I would have a Democratic majority in both houses.

Mr. COPELAND. I agree with the Senator as to that.

Mr. CARAWAY. And I rather think that the people will look after that matter at the coming election; but in the event I am mistaken about that, it would make no difference if the legislature were divided and each house passed upon it; it would have to go down to the people. They could not block it by that process. I am going to vote for either amendment; but I do not see, seriously, if a proposition is so meritorious that it can bear investigation, and it is so serious as to change the fundamental law of the land, why anyone should object to having all the information and all the candid, intelligent, and constructive criticism that might be offered by the various assemblies of the States.

I do not know anything about the method of reaching the people in any State except my own. I know that ordinarily, if there is not some great local interest at stake, the people are not inclined to examine abstract questions with care; but if you will discuss it and arouse their interest so that they may and will turn their attention to it, I have every confidence that they are going to decide it correctly. If, however, they are asked to pass upon a proposition without any opportunity to know its real merits, you who want to amend the Constitution are making a serious mistake; because if an amendment is proposed to the Constitution and handed down to the people about which they get no opportunity to get information, they are going to say: "We had better keep what we have than to go to something that we do not know," and therefore they will vote "no," and you will defeat the very object that you have in view by trying to keep the people from knowing the merits of the proposition you offer to them.

The PRESIDENT pro tempore. The time of the Senator from Arkansas has expired.

Mr. ADAMS. Mr. President, the Senator from Arkansas [Mr. CARAWAY] stated that the only objection to the Jones

amendment was the delay involved. The Senator from Massachusetts [Mr. WALSH] has indicated that he voted for the Jones amendment as a matter of securing results; and I want to say a word with reference to the two suggestions.

First, as to the suggestion of the Senator from Massachusetts, there is at least one Member of the Senate who is in favor of submitting questions of amendments to the Constitution to the voters of the respective States but who will not vote for the Jones amendment or for any amendment to which it is attached; so that some votes may be obtained in that way, but others will be lost.

There are other objections to this amendment. In my judgment it is decidedly preferable, for the reasons that were advanced by the Senator from New York [Mr. WADSWORTH], among others, that constitutional amendments should be submitted to the voters of the States rather than to the legislatures. However, up to the present time there has been, I think, no substantiation of the contention that the legislatures of the States have defied the will of the people. In my judgment, the ratification by the legislatures of the various amendments which have been recently adopted has been in conformity with the will of the people and has conformed to what the people would have done. I favor submitting amendments to the people generally, not so much because they differ with the legislature, but because they are the proper ultimate source of authority. I look upon the Jones amendment as an effort to compromise between two ideas as to ratification, and the result is a sort of a half-breed which has the vices of both its parents and the virtues of neither.

The Jones amendment involves delay so great that the sponsors of it have felt the necessity of providing an additional period of time up to eight years. In other words, they apprehend that under the Jones amendment it might take at least eight years to get an amendment through.

The length of time taken to ratify amendments may be illustrated by the table showing the time during which amendments have been before the people. The longest period of time any amendment was pending between submission and ratification was that involved in the ratification of the sixteenth amendment, which took three years and six months. The next longest was the time involved in the ratification of the eleventh, which took three years and four months. The first 10 amendments to the Constitution were ratified eight months after submission, the fifteenth amendment in one year and one month, the seventeenth in one year and sixteen days, the eighteenth in one year and one month, and the nineteenth in one year and two months. So the proponents of this amendment are anticipating that the delays which may occur under the Jones amendment on an average might be eight times as long as they have been in the past. Delay is a serious matter.

The other point upon which I base my objection is this: The legislatures of the States are the sovereign legislative bodies of the respective States. If this amendment were made a part of the Constitution, it would reduce the legislature of my State and the legislatures of other States to a position which would really result in a degradation of them. In other words, this amendment to the Constitution of the United States seeks to make of sovereign legislatures crossroads debating societies, saying to them: "We want you, for purposes of publicity, to hold a debate upon a matter over which you have absolutely no authority, and your decision will be entirely irrelevant to the ultimate decision of the question." I think that if Senators honestly wish the adoption of the amendment they should recognize that the amendment must be adopted by the legislatures, and if in the amendment each legislature is told, "We are asking you to degrade yourself to the position of a crossroads debating society for public information," the ratification of the amendment will be in grave danger of defeat.

As I see it, the submission of the Jones amendment will be an imputation upon the State legislatures made by an act of Congress, which they will resent, and the amendment will not be ratified. If Senators are interested in securing a change in the method of ratifying constitutional amendments, they will eliminate the Jones amendment. I doubt if it could pass Congress, and I am sure it could not pass the legislatures of three-fourths of the States.

The analogy sought to be drawn yesterday between the position the legislature would occupy under the Jones amendment and inferior courts, I think, would perhaps be a truer analogy if it should be said that the Jones amendment would reduce the legislature to the position of a justice of the peace court in a preliminary hearing in a criminal case, but even there humble courts would have more power than would the legislature under the Jones amendment. I think the analogy suggested is false in other respects than that.

I think the argument based on publicity is altogether too specious. If the Congress of the United States desires to give publicity to any proposed amendment, it has before it an amendment to which it can attach proper machinery and means for securing publicity, and need not say to the State legislatures, "Will you please debate this matter and see that it gets publicity?" You will not get a debate in the legislatures of the States upon a matter over which they have no authority. The fact that they can render a futile and nugatory judgment is not going to interest the legislatures, nor will it interest the press when it comes to considering and reporting the proceedings of the legislature.

As I see the Jones amendment, it has one purpose and it will have one effect, and that is delay. There are amendments desired by the people of the United States. The adoption of the Jones amendment would probably mean the defeat of those desires, but in any event it would mean long postponement. There is an effort to put men in Congress, like myself, who believe in popular submission of these questions, in a position where we must either vote against apparent submission of these questions to the people or vote for an amendment which would mean that that submission should be at such a remote date that the desire for amendment may perhaps have passed away or the amendment come so late as to lose much of its effectiveness.

For instance, a child labor amendment to the Constitution, for which I hope to vote, might be delayed for 8 or 10 or 15 years or indefinitely. During that delay children in the mills and in the factories who might have the advantage of it would have gone into their graves or into the decay which follows upon such labor. So that I for one, believing in the submission of constitutional amendments to the people, shall vote against any joint resolution which contains the Jones amendment.

Mr. MCKELLAR. Mr. President, before the Senator takes his seat I want to ask him a question. Suppose the Walsh amendment, or the committee amendment, together with the Jones amendment, were adopted. What would be the procedure in the legislature of the Senator's own State, for instance? What would they do? How would they bring it up at all? How would they go about acting on it, and what inducement would there be for any legislature to act on it at all, or take any steps whatsoever in connection with it?

Mr. ADAMS. I can not conceive of the legislature taking any active interest in it, because it would be a mere perfunctory performance, which they would undertake some day, at their leisure, when they had no matter which concerned them to consider. The Jones amendment suggests the old doggerel to me:

Mother, may I go out to swim?
Yes, my darling daughter;
Hang your clothes on a hickory limb,
But don't go near the water.

In other words, they are in favor of the principle of submitting all these measures to the people but wish either to avoid actual submission or to at least make it as difficult and as remote as possible.

Mr. HARRISON. Mr. President, I want to inquire of the Senator from New York [Mr. WADSWORTH] or the Senator from Connecticut [Mr. BRANDEGEE], who are members of the committee, touching this language. I am sure they have given it great thought. The language is:

> The Congress * * * shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as a part of this Constitution when ratified by a vote of the qualified electors in three-fourths of the several States.

Why was the question of a majority of the qualified electors omitted, and why was it just made to read "ratified by a vote of the qualified electors"?

Mr. BRANDEGEE. The question was not raised in the committee, although it occurred to me myself, and I considered it. The language is the language of the Senator from Montana [Mr. WALSH] as the Senator from Mississippi is aware. It is his draft. I assume that in this case a vote of the electors meant a majority. That is the conclusion at which I arrived.

Mr. HARRISON. It does not say a majority of the people, leaving it to the States. I thought the committee had probably given the matter consideration.

Mr. BRANDEGEE. Of course, on a vote for acceptance or rejection, there could be only two sides. It seemed to me that a plurality was equivalent to a majority, and vice versa. Where you can vote only "yes" or "no" on a question, one side necessarily has a majority, if he gets a plurality. It is not like an

election where there might be three candidates, and one candidate had to get a majority over the other two.

Mr. HARRISON. Of course, inasmuch as this leaves it to the rules and regulations of the States as to how an election should be held, the Senator thinks that a State legislature could say that when 5 per cent of the qualified electors of the State have voted for the proposition it could be ratified?

Mr. BRANDEGEE. I think if a majority of those voting voted in the affirmative, it would be ratified. But there is nothing in the proposed amendment as it stands, in my opinion, which requires that a State can not express itself unless it gets a majority of all the qualified electors.

Mr. GEORGE. Will the Senator from Mississippi read the language again?

Mr. HARRISON. The language embodied in the Walsh substitute is:

> Which, in either case, shall be valid to all intents and purposes as a part of this Constitution when ratified by a vote of the qualified electors in three-fourths of the several States.

Mr. GEORGE. That undoubtedly means, Mr. President, a vote of the majority of the qualified electors, and precisely that question arose in my own State. We were never able to get a majority of the qualified electors to vote in a general election, because in a general election there was scarcely ever a majority cast on either side or both sides of any given issue, our primary so largely superseding our general elections.

Mr. HARRISON. Does that language meet the Senator's approval?

Mr. GEORGE. No, Senator; that is but one further evidence of the fact that this amendment if incorporated in the Constitution as now proposed would effectively foreclose the possibility of amending the Federal Constitution.

Mr. HARRISON. How would the Senator suggest that it be changed to carry out his idea?

Mr. GEORGE. If it is at all desirable to have the Constitution amended as proposed, the joint resolution should be changed so as to provide that any proposed amendment would be ratified when voted for by a majority of the qualified electors voting in the election. Precisely that provision we had to put into our own Constitution in order to obtain action on constitutional amendments.

Mr. HARRISON. The Senator has no doubt, however, that under the following language the State would have a right to say whether a majority of the electors voting in the election should carry the ratification; or would it have to be a majority of the electors of the whole State?

Mr. GEORGE. I would not hazard a statement on that, Mr. President; but I think that if that amendment went into the Constitution as now proposed, to that extent the States themselves would relinquish their rights to prescribe the manner of holding their elections. I think it would necessitate an affirmative vote of a majority of the qualified electors of the States, and precisely that can not be obtained in my State, and I am sure it can not be obtained in many other Southern States, because a majority of the qualified electors do not vote in general elections.

Mr. HARRISON. That is quite true, especially in the South. I want to ask the chairman of the committee further——

Mr. WALSH of Montana. Mr. President, I want to ascertain more fully the views of the Senator from Georgia on this important subject, if the Senator from Mississippi will allow me. Is the Senator discussing the question of the vote by qualified electors?

Mr. HARRISON. Yes. Did the Senator from Montana hear what the Senator from Georgia said?

Mr. WALSH of Montana. No; I came in while he was speaking.

Mr. HARRISON. The Senator from Georgia contends that this language would necessarily mean that before a State could ratify a majority of the qualified electors of that State would have to vote for any proposed amendment, and that in certain States in this country in a general election sometimes only one-tenth of the qualified electors vote, and consequently we would never secure the ratification of some States for a proposed amendment.

Mr. WALSH of Montana. I have very profound respect for the views of the Senator from Georgia, knowing his great ability as a lawyer. Were it not for the views which I understood him to express—and I heard only the concluding portion of his remarks—I should say that there was no question at all that the language referred to required ratification by simply a majority of the electors voting in the election, voting upon that particular question.

Mr. ROBINSON. That is the question. Would it require a majority of the qualified electors who vote in an election or a majority of those who vote on that particular question? The distinction is very important, because in some of the States experience has shown that when constitutional amendments have been submitted to be voted upon by the electors, a great many of those who participate in the election fail to express their will respecting the particular question involved in the constitutional amendment. It happens that in some of the States, in many cases where a majority of those who voted on the constitutional amendments favored its adoption, a majority of the electors participating in the election failed to do so and therefore the amendment was lost.

Mr. HARRISON. I have just a minute of my time left——

Mr. ROBINSON. I beg the Senator's pardon.

Mr. HARRISON. I merely want to ask one other question so that it may be discussed, because I shall not have the time to discuss it. I notice that it is provided in the Constitution that the House of Representatives shall be composed of Members chosen every second year "by the people" of the several States.

I am calling to the attention of the Senator that the word "people" is used. When the amendment was adopted as incorporated in the Constitution now giving the right to the people to elect their Senators, the language used is this:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years.

The Senator will note that in both those instances the word "people" is used. In the pending amendment the words "qualified electors" are used. Why the distinction? My time has expired, but I wanted to ask the question to bring out some discussion about it.

Mr. WALSH of Montana. Mr. President, I shall be glad to answer the question in my own time. My judgment about the matter is that there is no difference, but I believe that it would be wise to adopt in this amendment the very language of the Constitution applicable to the election of Senators and Representatives. I think it would be wise to amend it in that respect.

I want to say with respect to that suggestion that the Constitution provides that Members of the House of Representatives shall be elected by the people of the States. It does not say by a majority of the people. That, of course, is implied. It has always been held that that means a majority of the people who vote on the question as to the person who shall be the representative. It does not mean a majority of all the qualified electors and it does not mean a majority of every man, woman, and child. It means a majority of the qualified electors voting for the particular office. I think the rule with very little variance is that on questions of amendments of State constitutions the matter is to be determined upon the question whether a majority vote in favor of the amendment as against those who vote against it.

Mr. ROBINSON. I think the Senator's construction is correct. Some of the State constitutions, however, expressly provide that an amendment before it shall be deemed ratified must have been voted for by a majority of the electors participating in the election.

Mr. WALSH of Montana. That removes all doubt.

Mr. ROBINSON. It is very different from the provision that is contained in the pending amendment. I think if the pending amendment passes as it is now written it will mean that in order to effect the ratification a majority of the qualified electors voting on the particular question must be in favor of the ratification.

Mr. WALSH of Montana. But it seems to me that if we substitute the word "people" for "qualified electors" we would then put it in exactly the same situation as the original Constitution, and the construction given to that, of course, would apply to this language. Both Houses have always held that a man is elected a Member of Congress who gets the most votes of the people voting for the particular office. We might have 10,000 voting for governor in a State and only 8,000 voting for two candidates for Congress, one getting 4,500 and the other 3,500. The man who got 4,500 would be elected, even though he had not a majority of all the electors voting in the election.

Mr. FESS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Ohio?

Mr. WALSH of Montana. I yield.

Mr. FESS. The provision prevails in Ohio that the amendment must receive a majority not of those voting on the amendment but of all those voting in the election.

Mr. WALSH of Montana. But I feel sure that must be by virtue of some particular provision in the State constitution differing from others.

Mr. FESS. Yes; in our own State constitution.

Mr. WALSH of Montana. But it seems to me if we have the same language that is used in other portions of the Federal Constitution the same construction must be given to it.

Mr. BRANDEGEE. If the Senator will allow me to interrupt him in his time, of course, when we say "by vote of the people" the result is the same. Nobody can vote except the qualified electors. It is really immaterial. I would not object to an amendment if anyone prefers it.

Mr. McKELLAR. Mr. President, will the Senator from Connecticut yield to me?

The PRESIDENT pro tempore. The Chair desires to remind the Senate that the Senator from Connecticut has already spoken once.

Mr. BRANDEGEE. I only spoke to a question of procedure, not on the amendment. I do not desire to take the floor now. I was only asking at that time if the Senator from Montana would yield. I want to say to the Chair that I have not spoken on any amendment or on the bill yet. I was speaking on a parliamentary question as to the effect of the motion to reconsider. I was not debating the joint resolution or any amendment thereto.

Mr. WALSH of Montana. I did not understand that the Senator from Connecticut was addressing a question to me.

Mr. BRANDEGEE. I was addressing a question to the Senator from Montana when I was speaking before, but not now.

Mr. McKELLAR. Mr. President, will the Senator from Montana yield to me to ask a question of the Senator from Connecticut?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Tennessee?

Mr. WALSH of Montana. Certainly.

Mr. McKELLAR. I desire to ask the Senator from Connecticut this question: If it is the purpose beyond any question that a majority of the people voting in a particular election on the amendment shall ratify it—and I take it that is the purpose—why not express it?

Mr. ROBINSON. But it is not the purpose.

Mr. BRANDEGEE. No; it is not the purpose. We do not want to require a majority, because as the Senator from Georgia [Mr. GEORGE] has just said, in many of their elections only 5 per cent of the people come to the polls.

Mr. McKELLAR. As I understand, it was the purpose of the committee to require the majority of those voting on the amendment.

Mr. BRANDEGEE. Yes.

Mr. ROBINSON. But that is very different from the proposal to require a majority of those participating in the election.

Mr. McKELLAR. I so stated, but if it is the purpose simply to require a majority of the voters voting on the particular amendment, and that seems to be the purpose of everybody, why not express it in proper language to effect that purpose if we are seeking an improvement?

Mr. BRANDEGEE. I am perfectly willing that it should be so expressed. If the Senator will propose such an amendment I am willing to vote for it.

Mr. CARAWAY. May I ask the Senator a question?

Mr. BRANDEGEE. The language now is "by a vote of the qualified electors in three-fourths of the several States." If it were to read "by a vote of the qualified electors who voted on the question in three-fourths of the States," that would accomplish the purpose.

Mr. CARAWAY. Mr. President, will the Senator from Connecticut yield?

Mr. BRANDEGEE. I have not the floor.

Mr. CARAWAY. Will the Senator from Montana permit me to ask the Senator from Connecticut a question?

Mr. WALSH of Montana. I yield for that purpose.

Mr. CARAWAY. I thought we were trying to get away from the Federal Government supervising the election in the various States when we come to pass upon a constitutional amendment, and yet if we accept the amendment suggested by the Senator from Tennessee, the Federal Government would have to determine in each particular instance whether or not the State properly ratified it. Therefore would it not be very unfortunate to have anything in the amendment that undertook to say what would be a ratification by the people of the various States, because if we have it there then the Federal Government necessarily would supervise each election?

Mr. BRANDEGEE. But the Senator will remember the point raised by the Senator from Georgia [Mr. GEORGE] that the language as it stands in the joint resolution would require a majority of all the electors who are qualified in the States.

The PRESIDENT pro tempore. The time of the Senator from Montana has expired.

Mr. REED of Missouri. Mr. President, I move the following amendment: In line 5——

The PRESIDENT pro tempore. There is an amendment already pending.

Mr. REED of Missouri. I want to offer an amendment touching the present discussion.

Mr. BRANDEGEE. The Senator can indicate it without offering it.

Mr. REED of Missouri. In line 5 I would propose to strike out the words "qualified electors" and insert "a majority of the people voting on the amendment," so that the clause would read, "when ratified by a vote of a majority of the people voting on the amendment in three-fourths of the several States."

The PRESIDENT pro tempore. The amendment is not in order at the present time.

Mr. GEORGE. Mr. President, I would like to have the attention of the Senator from Connecticut [Mr. BRANDEGEE] to the words "qualified electors." It is proposed, as I understand it, to put in the Federal Constitution a declaration that an amendment is accepted or rejected according to the vote of the qualified electors of the State. I should be most anxious to see the word "qualified" taken out and something very similar to the language suggested by the Senator from Missouri [Mr. REED] inserted. I think it would be all sufficent if the words "qualified electors" were stricken out and the word "people" substituted in lieu thereof.

Mr. SIMMONS. Does the Senator mean that a man who is not a qualified voter in the State should be allowed to vote?

Mr. GEORGE. No; but I mean to say that the Federal Government ought not to say who is qualified in the State. That is precisely what I mean.

Mr. SIMMONS. The word "qualified," I think, would mean qualified under the laws of the State in which the election is held.

Mr. GEORGE. Perhaps so; but this is an amendment to the Federal Constitution in which we are proposing to use that language. Perhaps what the Senator says is true, but there ought not to be any doubt about it.

Mr. SIMMONS. The Senator would raise another question more serious than that if we used the words "people voting," because then some one might vote in a State under that language who was not a qualified elector in the State.

Mr. GEORGE. It would be under rules and regulations to be prescribed by the State. That language follows.

Mr. SIMMONS. The word "qualified" applies to the action of the State, and I think that clearly is the meaning. "Qualified under the laws of the State" is the meaning, and I think if we simply add the language, as suggested by the Senator from Georgia, "qualified electors voting in the election," it would be clarified.

Mr. ROBINSON. Or "voting for the amendment."

Mr. SIMMONS. That would be better.

Mr. GEORGE. That is true; but I would not say that the word "qualified" there would not have some significance when it was inserted into the Federal Constitution, even though it were followed by subsequent language that the election shall be held under such rules and regulations as each State shall prescribe. Those rules and regulations might not refer to the qualification of the voters themselves.

But waiving that question, and it may be more imaginary than real, it seems to me that the language could be made clear and definite and certain by simply providing that it shall be ratified by a vote of the qualified electors voting on the amendment, or the words "qualified electors" could be stricken out and the word "people" inserted.

Mr. WALSH of Montana. If the Senator will pardon me, I had intended to propose striking out the words "qualified electors" and inserting the words "by a vote of the people voting on the amendment in three-fourths of the States."

Mr. GEORGE. That would be quite satisfactory to me.

Mr. SWANSON. Would not that leave to the Supreme Court or the Federal court the question ultimately then, if the amendment were adopted, of determining who were the qualified voters both under the Federal law and under the thirteenth and fourteenth amendments?

Mr. GEORGE. Under the language suggested by the Senator from Montana?

Mr. SWANSON. Yes.

Mr. GEORGE. I do not think so. I think that would leave it clearly with the States, as it is now with reference to the election of Members of the House of Representatives and the Senate.

Mr. SWANSON. But the Senator must remember that the House and Senate are the judges of the qualifications of their own Members, and consequently that question rests absolutely with them. It seems to me the Supreme Court would pass on whether the amendment had been ratified under this provision. The question arises with the Supreme Court or with the Federal court, Is this amendment the law? Has it been ratified in pursuance of this provision? They then pass on who are the qualified voters. Suppose some of the States do not allow people to vote under the fourteenth and fifteenth amendments. Could that question possibly arise in determining whether the people voted or not?

Mr. GEORGE. Mr. President, I had stated only a moment ago that if the words "qualified electors" remained in the amendment, and it should be submitted and finally ratified, some very embarrassing questions might arise.

Mr. SWANSON. How could that occur?

Mr. GEORGE. I suggested that very situation.

Mr. SWANSON. When an amendment has been ratified by the legislatures the courts have determined—and the same statement also applies to the election of Senators—that they can not go back and consider the question of the election of the members of the legislative body; that they themselves determine whether their members have been elected and are qualified as members of the legislature. Consequently in contests as to the election of Senators and contests as to the ratification of constitutional amendments the courts can not go behind the election of the members of the legislature which passed on these questions, because the legislatures themselves pass on the qualifications of their members.

The Senator from Georgia drew an analogy between the election of Members of the House of Representatives and of the Senate. We know that under the Constitution the House of Representatives and the Senate are the judges of the election and qualifications of their Members. Consequently a court can not determine that question. I desire to know before I vote whether or not the power is proposed to be put in the Supreme Court as to future amendments which are to be passed upon to decide the qualifications of the electors who voted in the election.

Mr. GEORGE. I should be unable to answer the Senator's question more directly than I have already answered it; that is to say, it seems to me that this identical language might give rise to difficult questions which can only be solved in the future.

Mr. SWANSON. How else could the questions be solved except by the Supreme Court ultimately deciding whether or not a constitutional amendment had been properly passed upon?

Mr. GEORGE. I do not know that it would be held that the States had relinquished the right to control the elections and to prescribe the qualifications of their electors; but under this amendment, it seems to me, that question might well arise, and that was the point which I made.

Mr. SIMMONS. May I ask the Senator from Georgia a question?

Mr. GEORGE. Yes.

Mr. SIMMONS. Has not the Supreme Court of the United States repeatedly decided that each State may prescribe the qualification of its electors?

Mr. GEORGE. Yes; unquestionably so.

Mr. SWANSON. Unless their action shall be contrary to the Federal Constitution.

Mr. GEORGE. But we are now proposing to put into the Federal Constitution language that might give rise to additional questions, which could only be settled by the court.

Mr. BRANDEGEE. Mr. President, let me ask the Senator from Georgia a question. This proposed amendment as drawn would make no change whatever in the process by which the authorities of the States certify to the Secretary of State that an amendment to the Constitution had been duly approved by that State?

Mr. GEORGE. Not at all.

Mr. BRANDEGEE. So that if anybody could go back of a certificate of ratification if this amendment were adopted, they could go back of it under the present Constitution just the same. The Senator will remember that when the certificate of Tennessee, I believe it was, that the woman suffrage amendment had been adopted by that State came in there was some protest, but the Secretary of State issued his proclamation that the amendment had been ratified, and the Supreme Court held, as I am advised, that it could not go back into the question of whether the action of Tennessee was legal or not, the authorities of the State having certified that Tennessee had ratified the amendment.

Mr. GEORGE. The Supreme Court accepted that certification as final.

Mr. BRANDEGEE. I think the same situation would exist if this amendment were adopted.

Mr. GEORGE. Undoubtedly, after the certification had been made by the proper State authorities.

Mr. BRANDEGEE. Yes.

Mr. GEORGE. But the certification might be stopped if the movement were made in time. These questions might arise, though I do not suggest that they would necessarily arise.

Mr. BRANDEGEE. I do not think there is anything in this amendment which would allow such a question to be raised any more than under the existing Constitution.

Mr. GEORGE. Perhaps not, Mr. President, but when we write into the Federal Constitution the words "qualified electors"——

Mr. BRANDEGEE. But who has the right to say what the qualifications of the electors shall be?

Mr. GEORGE. Who does?

Mr. BRANDEGEE. The States.

Mr. GEORGE. The States do so far as the State elections are concerned.

Mr. BRANDEGEE. But amendments are to be submitted to the States under rules and regulations to be prescribed by the States.

Mr. GEORGE. I understand, but why not insert in the joint resolution in lieu of that the word "people," just as we have it now in other constitutional provisions?

Mr. BRANDEGEE. I have no objection to that, but it would not make any difference, because if we said "the people shall vote upon the ratification of amendments" nobody at the polls could vote unless he were a qualified elector.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The time of the Senator from Georgia has expired. The question is on the motion of the Senator from South Carolina [Mr. DIAL] to strike out the Jones amendment. Is the Senate ready for the question?

Mr. NORRIS. Mr. President, I think it is conceded that if the Jones amendment remains in the joint resolution delay will very likely follow any action under it. In fact, that was the consensus of opinion in the Senate when the Jones amendment was adopted, as was demonstrated by the action of the Senate by an almost unanimous vote in immediately approving the amendment of my colleague [Mr. HOWELL] fixing the limit for ratification at eight years instead of six years.

Mr. President, I am in favor of the amendment which has been reported by the committee which is known as the Walsh substitute, but I shall be opposed to it if the Jones amendment is retained. For one, I shall feel constrained to vote against the final adoption of the committee substitute unless the present motion prevails and the language of the Jones amendment is eliminated. I do not believe that the inclusion of the Jones amendment would mean that there would be any intelligent debate in the States on the question of the ratification of constitutional amendments. I can not myself conceive of a legislature devoting its time to the discussion of a moot question upon which its action would have no legal effect whatever.

I can see how, first, by the legislature not convening great delay might take place; and, second, that when the legislature shall convene those opposed to an amendment to the Constitution and who wanted to defeat its passage might unite in dilatory tactics and prevent debate or action, at least by the legislature; and until the legislature acted the people of the State, under the amendment now proposed by the joint resolution, would have no authority to act.

Those of us who believe that proposed constitutional amendments ought to be submitted to the people are put—I will not say intentionally—in somewhat of an embarrassing position by the addition of the Jones amendment, because it may be said, "You voted against a proposal you have always advocated; you voted against the submission of proposed amendments to the Constitution to the people themselves." Mr. President, I am willing to meet that criticism and cast my vote against the joint resolution rather than to vote for the joint resolution with the Jones amendment added to it, for that amendment will mean, in my judgment, two years' delay. If there is going to be any consideration given by the people to proposed amendments to the United States Constitution, it will not be added to by first causing a legal body, constituted for other purposes, to pass on it, with the provision that their judgment is a nullity when they get through. In my opinion, it will only be a means

which will be utilized by those who are opposed to a proposed amendment to prevent its adoption at all.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. Yes; I yield, but only for a question.

Mr. WALSH of Montana. I should like to ask the Senator this question: Let us assume that the legislature is opposed to a proposed amendment of the Constitution and does not act on the matter at all; it does not either approve or disapprove, and does not do anything; then what?

Mr. NORRIS. Then nothing can be done.

Mr. WALSH of Montana. There is no possibility of mandamusing a legislature, is there?

Mr. NORRIS. None whatever. It would simply be left up in the air and could not be ratified by that State. Therefore it seems to me that the Jones amendment nullifies the real principle involved of submitting proposed amendments to the people direct.

Mr. RALSTON. Mr. President——

Mr. NORRIS. I yield to the Senator from Indiana.

Mr. RALSTON. It had not been my intention to participate in this debate; I have listened to it with great interest and considerable profit to myself; but I wish to ask the Senator from Nebraska, for whose judgment I have the highest respect, whether the same end could not be reached if the Jones amendment were stricken out and the State legislatures of their own motion were left to express their opinion as to what they think of a proposed amendment to the Constitution?

Mr. NORRIS. Yes.

Mr. RALSTON. Then why incorporate the Jones amendment in the joint resolution?

Mr. NORRIS. I do not know; I do not think there is any reason for adopting the Jones amendment except to defeat the real intention of the proposed constitutional amendment itself. There is nothing, as the Senator from Indiana says, if we strike out the Jones amendment, to prevent the legislature of a State, if it wants to resolve itself into a moot court, from discussing a proposed constitutional amendment. It may do so at its leisure, and it will have just as much effect in that case as though it were required to take action.

Mr. President, for fear my time may expire before I reach it if I discuss the pending question longer, I wish to say a word on another amendment which has been suggested by the Senator from Missouri [Mr. REED], and which I think ought to be adopted. The Senator from Montana has expressed himself, as I understand, to the same effect. The amendment which I have in mind provides that when a proposed constitutional amendment is submitted to the people the question of its ratification shall be decided by a majority of those voting on the amendment. There might be a question, in my opinion, under the language of the joint resolution as it now stands, in that a legislature might fix rules and regulations so that a majority of the people voting at a given election would be required to ratify a proposed amendment to the Constitution, which would again practically prevent the ratification of practically nine-tenths of all the amendments that would ever be submitted. The States which have in their constitutions a provision which requires amendments to the State constitution to be approved by a majority of all the people voting at the election have found for all practical purposes that it is an impossibility ever to amend their constitutions. We had such a situation for a great many years in my State, and no amendment could be ratified. So we ought to have it clearly understood that when a proposed amendment to the Constitution is submitted the question shall be decided by a majority of the people voting on the amendment itself.

Mr. President, I hope Senators will not include the Jones amendment in the joint resolution unless they propose to nullify the real object that is sought to be obtained by the proposed amendment to the Constitution. It is an offer to the people that they are going to have an opportunity to vote on such questions and at the same time, it seems to me, that it is holding back the essence of it all if the Congress is compelled, first, to submit a proposed amendment to a body of men who have no authority except to talk about it, who have no authority to take any action that shall be binding even upon themselves when they come to vote.

The only argument in favor of the proposition—at least the only argument that is offered—is that it will lead to more debate on the subject. With that in view we have adopted an amendment extending the time limit to eight years in which a proposed amendment to the Constitution may be adopted. If an amendment of merit to the Constitution of the United States is submitted by the Congress, the people do not need eight years of debate to settle the question intelligently. No such length of time is needed in connection with any other line of procedure. The people will be able to pass just as intelligently, in my judgment, upon a proposed amendment submitted directly to them as though it were first submitted to a moot court in order to get some advice, which probably will not be forthcoming even if the proposed amendment is thus submitted. If there is pending to the Constitution a proposed amendment of merit, one that ought to be approved by the people, and the people are in favor of it, then the sooner they have an opportunity to express their wishes the better it will be, and the nearer we shall approach the fundamental idea of a government by the people. It is not a government for the people to say to them, "You may have a right to vote on a constitutional amendment, but before you do so it must be monkeyed with by a legislature which has no jurisdiction and to whom we will give the power to put it over from year to year."

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

The question is upon agreeing to the motion of the Senator from South Carolina [Mr. DIAL].

Mr. ROBINSON. Let it be stated.

The PRESIDING OFFICER. The Secretary will state the motion.

The READING CLERK. The Senator from South Carolina moves to strike out, on page 3, line 1, the words "shall be submitted to the legislatures of the several States, and."

Mr. ROBINSON. Mr. President, a parliamentary inquiry. I suppose that would have to be reached by a motion to reconsider.

Mr. WADSWORTH. The bill is in the Senate now.

Mr. ROBINSON. Very well.

Mr. WALSH of Montana. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Adams	Edge	Jones, Wash.	Ransdell
Bayard	Edwards	Kendrick	Reed, Mo.
Borah	Ferris	Keyes	Reed, Pa.
Brandegee	Fess	King	Robinson
Brookhart	Frazier	Ladd	Sheppard
Broussard	Gerry	Lodge	Smith
Bruce	Glass	McKellar	Smoot
Bursum	Gooding	McKinley	Stephens
Cameron	Hale	McNary	Swanson
Capper	Harreld	Mayfield	Trammell
Copeland	Harris	Neely	Wadsworth
Couzens	Harrison	Norris	Walsh, Mass.
Curtis	Heflin	Oddie	Walsh, Mont.
Dale	Howell	Overman	Weller
Dial	Johnson, Minn.	Pittman	Willis
Dill	Jones, N. Mex.	Ralston	

The PRESIDING OFFICER. Sixty-three Senators have answered to their names. A quorum is present.

Mr. ROBINSON. Mr. President, it seems to me that the course of the debate has demonstrated the wisdom of eliminating from the amendment the provision inserted yesterday at the instance of the Senator from Washington [Mr. JONES].

There is a value to be derived from the discussion of amendments to the Federal Constitution by the legislatures; but the effect of the Jones amendment is to give the legislatures the right to say whether a proposal to amend the Federal Constitution shall be submitted to the people. The language is, in part, that "after affirmative or negative action by the respective legislatures" the people may ratify proposed amendments to the Federal Constitution; consequently, until the legislatures have either approved or disapproved of a proposed amendment to the Constitution it can not be submitted for ratification.

If a legislature should take the position that, having no substantial function to perform in connection with ratification, it would therefore neither approve nor reject a proposed amendment, the result of that, of course, would be to deny to the people of the State the opportunity and privilege of voting upon the constitutional amendment; and unless the legislature of a State within some time short of eight years saw fit either to reject or to approve a proposed constitutional amendment, it could never be voted on by the people of that State.

I do not believe it is sound public policy, if we are to change the process of ratifying amendments to the Federal Constitution, to insert such a provision. If it is wise to change the method under which we have so far proceeded, if it is necessary and essential to say that instead of authorizing the State legislatures to ratify amendments to the Federal Constitution it is better and sounder policy to require that the ratification

shall be by the vote of the people themselves, then why require that before they shall be permitted to vote upon an amendment the legislatures of their States must act either affirmatively or negatively respecting it? If there is advantage to be derived from changing the process of ratification, it will come more wholesomely by not imposing such a restriction as is contemplated by the Jones amendment.

There would be some justification, from the standpoint of Senators who think the Constitution ought to be more difficult to amend, for saying that ratification shall be both by the legislatures and by vote of the people; but that is not the proposal which the Senate is considering. The proposal is that before the people of a State shall vote on a constitutional amendment the legislature must either accept or reject that amendment, the object being, of course, to make the action of the legislature advisory. As pointed out by the Senator from Indiana [Mr. RALSTON], the legislature, like the Senate, can express its sense or conviction respecting an issue involved in a constitutional amendment or upon any other question of public policy; so that nothing whatever is accomplished by retaining the Jones amendment, except to give the legislatures the power to prevent the people of their States from voting upon an amendment to the Constitution.

Mr. NEELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from West Virginia?

Mr. ROBINSON. I yield to the Senator.

Mr. NEELY. I wish to ask the able Senator from Arkansas if it would not also be possible, if the pending joint resolution were passed and the amendment which it proposes were later adopted, for one more than a fourth of the States by their inaction alone to make it utterly impossible to amend the Constitution at all?

Mr. ROBINSON. Yes. In States where a proposal is entirely repugnant to the legislatures the people of those States might be denied the opportunity of passing upon the amendment, and for that reason it might be made very difficult to amend the Constitution. If it is necessary to provide for the ratification of constitutional amendments by popular vote—and that is the real issue; do not deceive yourselves—let us frankly vote to do so. The purpose of the amendment is to enable the people directly to pass upon constitutional amendments, and it grows out of the belief here and in the country that legislatures have ratified constitutional amendments that could not have received ratification if it had been required to be accomplished through popular vote. That is where this proposal originates. Of course, there are other considerations attached to it and resulting from it; but the proposal is to change the method of ratification, and you are not accomplishing any wholesome result by giving the legislatures a perfunctory duty to perform.

The PRESIDING OFFICER. The question is upon the motion of the Senator from South Carolina [Mr. DIAL].

Mr. McKELLAR. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BROOKHART. Mr. President, I do not wish to take much of the time of the Senate, but I want to say one word in reference to this measure. I have already made it plain that I am in favor of a proposition to give a majority of the people of the United States the right to amend their Constitution. I am opposed to any system of machinery that will make it harder to amend the Constitution.

Some in the debate have claimed that this arrangement in reference to the legislatures would not make it harder, and others have claimed that it would. The very fact that that question is debatable here in the Senate makes it to me a proposition that should be opposed.

I do not care to submit to the legislatures of the States an amendment that may or may not make it easier to amend the Constitution of the United States. I want to know that it will make it easier. It is the gateway amendment to the rights of the people, and I do not want to take the time or trouble to submit anything to them upon that question that is debatable.

Therefore I say that if this Jones amendment is not stricken out I shall certainly vote against the whole proposition. I believe it is more important that we make a political issue of this question of giving the people the right to amend their Constitution, and take it before them to see if we can not get somebody elected to Congress who believes in the people and who will give them their rightful chance than to submit some amendment that may make amendment of the Constitution easier or may make it harder, and probably in the end will only complicate the machinery of amending the Constitution.

The PRESIDING OFFICER. The question is upon the motion made by the Senator from South Carolina [Mr. DIAL] to strike out what is known as the Jones amendment. The yeas and nays have been ordered, and the Secretary will call the roll.

The principal clerk proceeded to call the roll.

Mr. NORRIS (when Mr. SHIPSTEAD's name was called). As announced before, the Senator from Minnesota [Mr. SHIPSTEAD] is detained from the Senate on account of illness. On this vote, if he were present, he would vote "yea." He is paired with the senior Senator from Pennsylvania [Mr. PEPPER].

Mr. McKELLAR (when Mr. SHIELDS's name was called). I am informed that my colleague [Mr. SHIELDS] is ill to-day. If he were present, he would vote "nay."

Mr. WALSH of Montana (when Mr. WHEELER's name was called). My colleague [Mr. WHEELER] is absent on account of illness. If he were present, he would vote "yea."

The roll call was concluded.

Mr. DIAL. I have a general pair with the senior Senator from Colorado [Mr. PHIPPS], and in his absence I withhold my vote.

Mr. REED of Pennsylvania. I wish to announce that if my colleague [Mr. PEPPER] were present, he would vote "nay." He is paired, on this question only, with the senior Senator from Minnesota [Mr. SHIPSTEAD], as has been announced.

Mr. JONES of New Mexico. I have a general pair with the senior Senator from Maine [Mr. FERNALD], which I transfer to the junior Senator from Montana [Mr. WHEELER] and vote "yea."

Mr. CURTIS. Mr. President, I desire to announce the following general pairs:

The senior Senator from Illinois [Mr. McCORMICK] with the senior Senator from Oklahoma [Mr. OWEN]; and

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY].

Mr. SMITH. I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from Georgia [Mr. GEORGE] and vote "yea."

The result was announced—yeas 39, nays 35, as follows:

YEAS—39.

Adams	Edwards	Jones, N. Mex.	Reed, Mo.
Ashurst	Ferris	Kendrick	Robinson
Bayard	Fess	Ladd	Sheppard
Borah	Frazier	McKellar	Simmons
Brookhart	Gerry	Mayfield	Smith
Capper	Harris	Neely	Swanson
Copeland	Harrison	Norris	Trammell
Couzens	Heflin	Pittman	Underwood
Cummins	Howell	Ralston	Walsh, Mont.
Dill	Johnson, Minn.	Ransdell	

NAYS—35.

Ball	Dale	Keyes	Reed, Pa.
Brandegee	Edge	King	Smoot
Broussard	Elkins	Lodge	Stephens
Bruce	Fletcher	McKinley	Wadsworth
Bursum	Glass	McLean	Walsh, Mass.
Cameron	Gooding	McNary	Watson
Caraway	Hale	Moses	Weller
Colt	Harreld	Oddie	Willis
Curtis	Jones, Wash.	Overman	

NOT VOTING—22.

Dial	La Follette	Phipps	Stanley
Ernst	Lenroot	Shields	Sterling
Fernald	McCormick	Shipstead	Warren
George	Norbeck	Shortridge	Wheeler
Greene	Owen	Spencer	
Johnson, Calif.	Pepper	Stanfield	

So Mr. DIAL's motion was agreed to.

Mr. NORRIS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. NORRIS. As the Secretary read the Jones amendment at one time during the debate it did not seem to me that he read all the language of the amendment, and I want to make inquiry as to whether there is not some other language in that amendment.

The PRESIDING OFFICER. The Secretary read a part of the amendment, but the whole amendment was before the Senate, and it has been stricken out on the motion of the Senator from South Carolina [Mr. DIAL].

Mr. REED of Missouri. Mr. President, in line 5, on page 3, I move to strike out the words "qualified electors" and to insert in lieu thereof the words "a majority of the people who vote on the amendment," so that the clause would read "when ratified by a vote of a majority of the people who vote on the amendment in three-fourths of the several States."

The amendment to the amendment was agreed to.

Mr. WALSH of Montana. Mr. President, some amendment should be inserted in line 6 on page 3. That clause reading "said election to be held under such rules and regulations as

each State shall prescribe" was inserted later in the consideration of the amendment, but the word "said" is quite improper there, because no election is referred to. I move that the word "said" in line 6 be stricken out, and that the words "at an" be inserted in lieu thereof, and that after the word "election" the words "in each" be inserted, so that it will read:

in three-fourths of the States, at an election in each to be held under such rules and regulations—

And so forth.

The amendment to the amendment was agreed to.

Mr. WADSWORTH. Mr. President, when the Jones amendment, so called, was added to the Walsh amendment, so called, a considerable number of Senators believed that that brought the Walsh amendment to such a condition as to satisfy them. A considerable number of those Senators had been intending otherwise to support the original resolution as introduced and referred to the Committee on the Judiciary, perfected, as it was, upon the floor during the first days of this debate.

It is, therefore, I think, fair to say that the original joint resolution has not had any test vote in the Senate as compared with the committee substitute now perfected by the amendment adoped just a moment ago, but minus the Jones amendment. I therefore desire to introduce as an amendment to the pending joint resolution the text of the original joint resolution as introduced, perfected as it was upon the floor at my request several days ago, and I ask the Secretary to read it and then I wish to impose upon the Senate for five minutes in explanation.

The PRESIDING OFFICER. The Secretary will read the proposed amendment.

The READING CLERK. As a substitute the Senator from New York offers the following:

The Congress, whenever two-thirds of each House shall deem it necessary, shall propose amendments to this Constitution or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution when ratified by three-fourths of the several States through their legislatures or conventions, as the one or the other mode of ratification may be proposed by the Congress or the convention: *Provided*, That the members of at least one house in each of the legislatures which may ratify shall be elected after such amendments shall have been proposed; that any State may provide for a popular vote to affirm or reverse the action of its legislature, such vote to stand in lieu of prior action of the legislature; and that until three-fourths of the States have ratified or more than one-fourth of the States have rejected or defeated a proposed amendment any State may change its vote: *And provided further*, That no State without its consent shall be deprived of its equal suffrage in the Senate.

The PRESIDING OFFICER. The Chair suggests to the Senator from New York that the original joint resolution was reported with an amendment proposed to it, upon which the Senate has been acting. If the Senate should now vote down the committee amendment that would raise the question of the Senator's original proposition.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. Is it not the situation that the committee reported an amendment which was to strike out the Wadsworth proposition and insert the Walsh proposition?

The PRESIDING OFFICER. That is true.

Mr. BRANDEGEE. Now, can the Senator from New York move to strike out what has not yet been adopted and insert something against which the committee reported?

Mr. WALSH of Montana. Mr. President, may I make a suggestion? The question before the Senate now is, as I see it, upon concurring in the amendment made as in Committee of the Whole, as amended. If that amendment is rejected, then the original joint resolution is before the Senate.

The PRESIDING OFFICER. The Chair holds that that would be the question.

Mr. WADSWORTH. I was laboring under the impression that the amendment made as in Committee of the Whole had been concurred in this morning.

Mr. WALSH of Montana. No; we had just been perfecting the amendment adopted as in Committee of the Whole. Now we vote on the question whether the amendment adopted as in Committee of the Whole, as now perfected, shall be concurred in by the Senate. If it is concurred in by the Senate, it takes the place of the original joint resolution. If it is not concurred in, then the Senator has his original joint resolution before the Senate for consideration.

Mr. WADSWORTH. I was proceeding under a misunderstanding. I thought the amendment made as in Committee of the Whole had been concurred in in the Senate and that the joint resolution was open to further amendment.

Mr. WALSH of Montana. I inquire of the Chair whether the question is, Shall the amendment made as in Committee of the Whole be concurred in?

The PRESIDING OFFICER. The question is, Shall the amendment made as in Committee of the Whole be concurred in by the Senate?

Mr. WADSWORTH. Necessarily, I must withdraw my amendment. I thought I had heard the President pro tempore, who preceded the Senator from North Carolina as Presiding Officer, announce that the amendment adopted as in Committee of the Whole was concurred in by the Senate, and that the joint resolution was open to further amendment. That was my impression, but I may have been mistaken.

The PRESIDING OFFICER. The question is upon concurring in the Senate in the amendment made as in Committee of the Whole.

Mr. WADSWORTH. There is just this difference between the two propositions: The Walsh amendment strikes out from article 5 of the Constitution, in effect, the second alternative which the Congress has possessed all these 130 years, of submitting amendments to the Constitution to conventions to be called within the several States. That is to be eliminated as one of the alternatives and but one method is to be followed, namely, submission direct to the people in the several States. It is true that we have never resorted to the alternative of submitting amendments to State conventions, for reasons that apparently have seemed good from time to time.

I for one regret the striking out of that alternative entirely. I believe that some day it may prove, if retained, exceedingly valuable, for it is entirely possible that some day in the years to come an amendment will be proposed to the States of such an involved character, contemplating two or three or four subjects interlocked one with the other and having to do with the form of our Government, that the only practical way of giving consideration to them and proper conclusions reached upon them is through conventions composed of delegates elected by the people, just as was the case when the original Constitution was ratified in the thirteen States.

As Marshall said, as I recollect it, in one of his opinions later on when he was Chief Justice of the Supreme Court, the people upon that instance used the only machinery that they could possibly use in order to get an intelligent conclusion. I think it is a mistake to take out that alternative. I do not think it is controlling, and I have said so before. I regret its elimination, for no Senator here can prophesy truly and accurately as to what may occur in the future. We may have a national convention called at the request of two-thirds of the States some day for a general revision of the Constitution, and that national convention may propose a number of things.

The national convention is still provided for in the Walsh amendment, but it certainly would be helpful if, following a rather comprehensive revision of our Constitution recommended by a national convention, it should be in turn referred to conventions held within the several States where the different interlocking elements and suggestions may be thrashed out by men elected solely for that purpose.

That is one difference between the original joint resolution and the Walsh amendment. It may not seem controlling to Senators here at this day and hour, but no man can tell whether it would not be an exceedingly valuable thing to retain. Certainly it is not in violation of the theory that the people shall rule in the matter of making changes in their fundamental law if the people may do it directly through conventions composed of delegates elected by them, and in some instances it is the only way they can do it effectively.

Now, as to the normal method of having the votes taken in the States on a normal amendment such as we have been discussing, the difference between the Walsh amendment and the original joint resolution is that the Walsh amendment is mandatory in that it provides that all amendments to the Constitution hereafter shall be ratified by direct vote. The original joint resolution on that score contains this language:

That any State may provide for a popular vote to affirm or reverse the action of its legislature, such vote to stand in lieu of prior action of the legislature.

I apprehend that the right given to the States under such language would be almost immediately taken advantage of. I do not believe there is a State in the Union whose people and legislature would neglect to take advantage of the right thus given to them. We have had the case of Ohio where the people attempted to take that right, the right of passing upon

Federal amendments, but the Supreme Court, I think, in a perfectly correct decision, said that under Article V as now existing they did not have the right to vote on Federal amendments. This provision would give them that right.

Senators have said a good deal about delay. Let me remind the Senate that under that permissive clause, which, in my judgment, would in the long run become in effect mandatory or, rather, universal in its application, a legislature can act immediately upon an amendment as soon as it is submitted if the legislature is in session, and any delay thereafter would be inflicted solely upon the demand of the people of the State. In other words, the Legislature of Ohio could ratify an amendment; and if its action was satisfactory in that regard to the people of that State, the ratification would stand so far as that State is concerned. But if it were not satisfactory, within a very short time thereafter a popular vote could be had upon the question. So I think, in so far as the saving of time is concerned—and many Senators seem to be concerned about it, although personally I am not, because I think the more slowly we proceed, generally speaking, in amending the Constitution the better, within reasonable limits, of course—I would suggest to those Senators who are worried about the length of time that it seems to me that would provide a quicker solution.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. WILLIS. Mr. President, before a vote is taken on what is in effect the relative merits of the so-called Walsh amendment as amended and the original proposition made by the Senator from New York, I desire to call the attention of the Senate to a situation which exists in the committee amendment as amended with reference to the number of people that possibly may ratify an amendment to the Constitution.

I had hoped, and still hope, that the amendment might be in such shape as to enable me to support it, but the Senate has adopted an amendment to it which provides, in line 5, that ratification shall be had by a vote of the majority of the people who vote on the amendments. Now, there is no provision at all that the election shall be held at a regular election. That is within the control of each State. It is very readily conceivable that a State might provide that ratification should be had at some special election where this matter would be the only thing that would be at issue and where there would be a very small percentage of the electorate who would be at the polls.

Senators know how difficult it is, even in a hotly contested campaign, to get electors to take enough interest in public affairs to go to the polls. Some one has brought out the fact in this debate that Senators are elected here—distinguished and able Senators—by a vote of 10 per cent of the qualified electorate, or 15 per cent, or 18 or 20 per cent.

If the only question involved would be the ratification of some complicated amendment, it is very readily understandable that we would have only a small minority of the people voting at the election, and yet the amendment now provides that a majority of those, not a majority of the people or a majority of the electors, but a majority of those who vote on the particular amendment shall have the power of ratification. In other words, it does not make for majority rule, it seems to me, at all, but makes in that instance for rule by a very small minority. Yet that is the situation as it exists under the amendment in the form in which we must now vote upon it.

Mr. ADAMS. Mr. President, on yesterday the Jones amendment, so called, was adopted, and because of that the junior Senator from Nebraska [Mr. HOWELL] suggested an amendment, which was agreed to, changing the period within which amendments might be ratified from six years to eight years. It seems to me that, the Jones amendment having been eliminated, it would probably be wise to restore the original language of the amendment so as to have it in its original form.

The PRESIDING OFFICER. The Chair is reminded by the Secretary that the Senator from Colorado has already spoken once.

Mr. ADAMS. That is true. I was merely calling this point to the attention of the Senate.

Mr. McKELLAR. Mr. President, I am very much in favor of the joint resolution as it has been perfected simply referring constitutional amendments to the people of the several States. There can not be any danger in referring constitutional amendments to the people. The people are the last depositories of power, and there is no reason in the world why that should not be done. Surely it is better than submitting constitutional amendments in the haphazard way——

Mr. BORAH. Mr. President——

Th PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Idaho?

Mr. McKELLAR. I shall do so in just one moment.

It is infinitely better than to submit a constitutional amendment in a haphazard way, first, to the legislature, which has no power to pass upon the amendment, and then to let that legislature, by inaction either submit it or not submit it to the people. My own judgment is that the amendment as it is now written is an amendment for which we may all vote. I do not see how anyone who believes in popular rule can vote against the amendment. Now I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I do believe in popular rule; but how would the Senator from Tennessee like to have an important constitutional amendment ratified in his State by 500 voters?

Mr. McKELLAR. I have known a constitutional amendment to be ratified by a majority of the 133 members of the Legislature of Tennessee.

Mr. BORAH. That is not popular government.

Mr. McKELLAR. No, sir; and I say that I should prefer that all voters in the State should vote on any constitutional amendment submitted to them for ratification; but under this amendment all of the people would have a right to vote on the question; if they should be interested enough in it to vote one way or the other they would have the right to do so.

Mr. CARAWAY. But the Senator was opposed to letting the legislature pass upon the question and then submitting it to the people.

Mr. McKELLAR. No; I was opposed to letting the legislature talk about the question and then submit it to the people. I thought it was a duplicate piece of machinery.

Mr. CARAWAY. I was just going to ask the Senator a question. Yesterday afternoon by a very large majority the Senate adopted the Jones amendment.

Mr. McKELLAR. It was adopted by a vote of 35 to 29.

Mr. CARAWAY. And this morning the Senate reversed that vote. So evidently in the Senate of the United States in 24 hours Senators change their minds.

Mr. McKELLAR. Everyone ought to have the right to change his mind when he knows he has made a mistake.

Mr. CARAWAY. Then I hope the Senator will have a chance to change his mind.

Mr. McKELLAR. It may be so; but I do not think I am mistaken about the proposition.

Mr. CARAWAY. But what I was intending to say was this: The Senator from Tennessee was opposed to the people having a chance to find out what the election was about, and yet the Senate fought all day yesterday and took action then, and then fought all this morning and took an entirely different action. Either Senators did not have any information on yesterday or they have not any to-day, because they have changed their minds. Is not that a very strong illustration that it would be well sometimes to consider things?

Mr. McKELLAR. There were quite a number more Senators who voted to-day than who voted on yesterday. The vote, as I recall, was then 35 to 29.

Mr. CARAWAY. Mr. President——

Mr. McKELLAR. Just one moment. The vote on yesterday was 35 to 29. To-day at least 10 more Senators came into the Chamber, and the advocates of the legislature plan got their 35 votes just as before, while the advocates of the other plan increased their vote by nine.

Mr. CARAWAY. But I saw Senators vote on yesterday one way and to-day another way.

Mr. McKELLAR. That may be so.

Mr. CARAWAY. And yet those Senators look upon themselves as the leaders of the Senate.

Mr. McKELLAR. The Senator from Arkansas can not charge me with that.

Mr. CARAWAY. I do not.

Mr. McKELLAR. I voted against the amendment on yesterday and I voted against it to-day.

Mr. CARAWAY. I did not charge that the Senator from Tennessee changed his vote.

Mr. McKELLAR. I, of course, understand that the Senator from Arkansas does not make that charge.

Mr. President, it seems to me that we should do one thing or the other; we should either leave the question of ratification to the legislatures, where it is now under the present Constitution, or we should refer proposed amendments to the people. My judgment is that the pending proposal, so far as it has been agreed to, should prevail, and I hope that it will prevail.

Mr. BORAH. Mr. President, I have never felt any great amount of enthusiasm for the pending proposed constitutional amendment at any time. I became interested in it because of my very great respect for the Senator who originally introduced it, but I have not been able at any time to become con-

vinced that it was a wise move. So many things have taken place during the debate that I am convinced that the Senate itself is not by any means well informed as to just what it desires to do with reference to the amendment.

As the Senator from Arkansas [Mr. CARAWAY] has suggested, we have a radically different proposal this morning from that which we approved yesterday evening.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. BORAH. I yield.

Mr. CARAWAY. There are no two Senators who agree, apparently, about what this amendment means when it provides that in the future proposed constitutional amendments shall be referred to the people—whether it means all the people or a majority of those who vote upon the question at a given election or a majority of all of those who vote in such an election.

Mr. BORAH. Yes. Mr. President, I was very much in favor of the suggestion that proposed amendments to the Constitution should be carried directly to the people, and that as directly as possible the voice of the people should be recorded either for or against them, but I shall not vote for the proposed amendment now pending if it is left in the condition and contains such terms that a proposed constitutional amendment could be adopted in the United States as a practical proposition by voters representing possibly less than 5 per cent of the electorate of the different States of the Union. There ought to be deliberation; there ought to be the necessity of having the real voice of at least a majority of the people upon a question of this kind. We have now so amended the joint resolution that, while a proposed amendment of the Constitution will be submitted to the people, if only 500 people vote on the question in the State of New York and 300 of them vote in favor of it, the proposed amendment will be ratified by the State of New York. That is not popular government; that is not constitutional government; that is not representative government. It is dealing with a constitutional question in a way that we would not deal even with a statute.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I yield.

Mr. DILL. How does the Senator think that the joint resolution could be amended so that a majority of all the voters of the States would vote on the question of ratification?

Mr. BORAH. The amendment we adopted a little while ago is the one which renders the amendment obnoxious to me.

Mr. DILL. What I am getting at is this: There is no way to determine, unless we take a special census for that purpose, how many voters there are in a State. All such provisions with which I am familiar in reference to the people voting on amendments to State constitutions require that a certain percentage or a certain majority of the people voting at the election shall control. That is the difference between the statement in the amendment and the ordinary statement in many State constitutions.

Mr. BORAH. Mr. President, some years ago there was submitted to the people of my State a proposed amendment to the State constitution, and that amendment was adopted, although only a very small portion of even a majority of the voters of the State voted for it, under a decision of the Supreme Court that a majority of those who voted upon the question was sufficient to carry it. I had occasion to go into the matter at that time, and my conviction in regard to it has remained with me—that that is a very serious mistake with reference to the adoption of constitutional amendments.

Mr. NORRIS. Mr. President, may I interrupt the Senator there?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I do.

Mr. NORRIS. There was in the constitution of my State such a provision as, from what he has said, I judge the Senator advocates, providing that the constitution could not be amended except by a majority voting for it and constituting a majority of all the electors voting at the election. The result was the other extreme from what the Senator found, namely, that it was, for all practical purposes, an impossibility to amend the constitution.

Mr. BORAH. Mr. President, if a majority of the voters of a State are not in favor of amending this Constitution of ours, so far as that State is concerned—and, if it applies to all the States, so far as all the States are concerned—I am willing to leave the Constitution as the fathers drafted it and as it has existed for nearly 150 years, rather than to have, say, 2 per cent of the voters ratify a proposed amendment. I want to live under a Constitution which when it is finally written and finally adopted represents the judgment of at least a majority of the people of my State or the people of the different States who have to pass upon it.

I think it is a serious proposition, Mr. President, to have an amendment to the Constitution of the United States—and in the case of a State constitution it is serious enough—adopted by just any vote that may see fit to go out. In these days of organization and propaganda those who may be interested in a proposed amendment, if they only get out the members of their organization, may carry an amendment of this kind under its terms. I feel this ought to go back to the committee.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole as amended in the Senate.

Mr. WADSWORTH. Mr. President, a parliamentary inquiry. At what time, if ever, in this proceeding before the final disposition of the measure will it be in order to take up again for consideration by an appropriate motion the amendment of the Senator from Missouri [Mr. REED] which was adopted a little while ago?

Mr. FLETCHER. Mr. President, I take it that it will have to come under a motion to reconsider. The amendment of the Senator from Missouri was adopted by a viva voce vote. I voted against it, but I heard very few who did vote against it. There seemed to be a very strong vote in favor of it. The amendment was adopted, as I have said, by a viva voce vote, and I think the only way to reach it is by a motion to reconsider.

The PRESIDING OFFICER. It can be reached by a motion to reconsider. As the Senator from Florida has stated, the amendment was adopted by a viva voce vote.

Mr. WADSWORTH. I make the motion to reconsider because I think, in the haste of the moment, we made a very bad mistake.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York to reconsider the vote by which the amendment of the Senator from Missouri [Mr. REED] was adopted.

Mr. EDGE. I ask that the amendment of the Senator from Missouri may be stated.

Mr. McKELLAR. I make the point of no quorum.

The PRESIDING OFFICER. The Senator from Tennessee suggests the absence of a quorum. The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Dial	Jones, Wash.	Reed, Mo.
Ashurst	Dill	Kendrick	Reed, Pa.
Bayard	Edge	Keyes	Robinson
Borah	Edwards	Ladd	Sheppard
Brandegee	Elkins	Lodge	Simmons
Brookhart	Ferris	McKellar	Smith
Broussard	Fess	McKinley	Smoot
Bruce	Fletcher	McLean	Stephens
Bursum	Frazier	McNary	Swanson
Cameron	Gerry	Mayfield	Trammell
Capper	Glass	Moses	Underwood
Caraway	Hale	Neely	Wadsworth
Colt	Harris	Norris	Walsh, Mass.
Copeland	Harrison	Oddie	Walsh, Mont.
Couzens	Heflin	Overman	Warren
Cummins	Howell	Pittman	Watson
Curtis	Johnson, Minn.	Ralston	Weller
Dale	Jones, N. Mex.	Ransdell	Willis

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, a quorum is present. The question is upon the reconsideration of the vote by which the amendment of the Senator from Missouri [Mr. REED] was adopted.

Mr. REED of Missouri. Mr. President, if I can have the attention of the Senate for just a moment, as the text stood before the amendment was offered it was the consensus of opinion——

The PRESIDING OFFICER. The Senator can speak only by unanimous consent.

Mr. REED of Missouri. Why?

The PRESIDING OFFICER. The Senate is operating under a rule under which a Senator can occupy the floor but one time.

Mr. REED of Missouri. I have not occupied it at all.

The PRESIDING OFFICER. The Chair was told by the clerk that the Senator had.

Mr. REED of Missouri. The clerk is badly mistaken. I have done nothing here except to offer an amendment. I have not said a word in the discussion. I think perhaps the clerk was warranted in assuming that as I had been in the Chamber I probably had spoken, but he is mistaken in this instance.

It was the consensus of opinion that as the text stood it would be construed by the courts to mean that if an amendment received a majority of the votes of the people voting on

the amendment it would be thereby duly adopted, and that it would not be required that it should have a majority of all the votes cast on all or any propositions which might be voted for at the same election. I think that was the correct construction. I think it can be easily demonstrated that that must be the construction; but in order to save any question, and to remove the doubts of those who had some fears, I offered this amendment.

Mr. President, when we adopt an amendment to the Constitution to-day, by the present method, it is not required that it shall have the vote of the majority of all the members of the legislative bodies, but a majority of those voting. When we adopt any proposition by a popular vote, it is not required that the particular proposition shall have a majority of all the votes cast on all questions. If it were, then it would frequently happen that a man who receives a clear plurality of the votes as between himself and a particular antagonist would not be declared elected, because some other man might have received a greater number of votes, and he might not have a plurality if his plurality were estimated according to that vote.

It has been said, I understand—I have been absent from the Chamber a few moments—that the present proposition would allow a small minority of the people to adopt an amendment to the Constitution. I know of no way to compel the people to vote. All that we can do is to offer them the opportunity to vote. If we adopt a rule that an amendment must be adopted by a majority of all the people voting at an election, then if you have a constitutional amendment submitted when there is a general election for officers you will never succeed in adopting a single amendment to the Constitution of the United States, in my opinion.

Mr. WADSWORTH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New York?

Mr. REED of Missouri. Yes.

Mr. WADSWORTH. Would it not be wise, then, to leave that matter to the States? Why attempt here to lay down a rule under which the States shall carry on their elections?

Mr. REED of Missouri. No; I do not think that answers it. We have a right to lay down here a rule that there shall be a submission to a popular vote, and say what shall constitute the necessary vote to decide the question. If it be said that only a small number of men will vote, yet the opportunity has been afforded to them to vote; and if it be said that because a small number happen to vote the amendment should not be declared adopted, what about the present rule?

The last two amendments to the Constitution were adopted, one of them, I believe, by a vote of a little over 4,000 citizens of the United States, and the other, I think, by something over 3,000. I have the exact figures in my office. That which I am now saying is from recollection.

Mr. BORAH. Mr. President, the Senator is speaking of members of the legislatures?

Mr. REED of Missouri. Absolutely; members of the legislatures, not one of whom was elected upon the issue that he was to vote in a particular way upon the constitutional amendment, and in several instances the members of the legislatures voted directly opposite to votes that had been cast at general elections in their States at a very recent period prior to their votes. So that you have your choice here to give all of the people a chance to vote, and count the votes of those who embrace their opportunity, letting the majority decide it, thus giving all the people of the State an opportunity to vote, or to allow the law to stand as it is now, where a few men elected to the legislature can change the fundamental law of the land.

I think the amendment ought to stand; and if it does not stand, if we adopt some rule here that deprives the people of a chance to vote, or that requires the country before it can amend its Constitution to pass over obstacles greater than now exist, then we would better not amend the Constitution at all.

Mr. SWANSON. Mr. President, I have listened to this debate for the last week. It seems to me the best thing to do in connection with this joint resolution is to refer it back to the Judiciary Committee and see if that committee can not redraft it, get it in better shape, and inform the Senate better as to what its various provisions mean.

The amendment offered by the Senator from Montana [Mr. WALSH], providing for a direct vote of the people, has been objected to by a great many Senators, because it would not give time for discussion and consideration. Others think that it will let the Federal courts pass on the qualification of voters. There has been debate as to whether "rules and regulations" controls the qualifications of voters, or simply the method and place of voting. The matter is surrounded with so many doubts and with so much uncertainty, with such a lack of definiteness, even on the part of those who favor it, that it seems to me before a constitutional amendment is submitted to the people there ought to be more concurrence in the body proposing that the State pass upon it as to what it means and what its clear intention is. It seems to me that we could get better results, we could have a better-drawn amendment, if we should refer it back to the committee, so that with the objections that have been urged here and the amendments that have been offered and voted on the committee can act with more light. Therefore I am going to make a motion to recommit the joint resolution to the Judiciary Committee.

Mr. EDGE. In other words, Mr. President, frankly admitting our inability to perfect an amendment satisfactorily on the floor of the Senate?

Mr. SWANSON. I do not admit that inability. I admit that we ought to start with a better-drawn measure than this before we proceed to amend it. We have doubt as to what the amendment of the Senator from New York means. We have a great deal of doubt as to various phases of it. I have a great deal of confidence in the Judiciary Committee. I think it is one of the ablest committees in the Senate, and when that committee draws a constitutional amendment it is very rarely amended very much here.

I should like to let the people vote directly.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from New Jersey?

Mr. SWANSON. I have but 10 minutes. I will yield later.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. SWANSON. I feel that if the people are given an opportunity to vote directly, it ought to be on an amendment that will certainly guarantee the States, without doubt or question, that they shall control the qualifications and the election. As I listened to this debate, some question has arisen as to whether or not that is true.

Mr. REED of Missouri. Every one of you voted to take that away from them on the woman-suffrage question.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. SWANSON. I have the floor. If the Senator from Missouri wants me to yield, I will give him an opportunity. I voted against the woman-suffrage amendment. The Senator's allusion does not apply to me.

Mr. REED of Missouri. The Senator was right then.

Mr. SWANSON. I am usually right. The Senator is wrong only when he differs with me, which is very often.

Mr. President, it does seem to me that a matter so important as this, so far-reaching as this, which will control for a long time the method of amending the Federal Constitution, should be more carefully considered; and I therefore move to refer the joint resolution back to the Judiciary Committee.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Virginia to recommit the joint resolution to the Committee on the Judiciary.

Mr. ASHURST. Mr. President, on that motion I wish to be heard.

The able Senator from Virginia [Mr. SWANSON] says he would like to have the joint resolution referred back to the Judiciary Committee so that we may explain to the Senate what it means. Will the able Senator now point out those recondite and hidden phrases in this plain English that he does not understand?

Mr. SWANSON. I will.

Mr. ASHURST. I wish the Senator would do so; I yield for that purpose.

Mr. SWANSON. All right. Will the Senator tell me——

Mr. ASHURST. I will.

Mr. SWANSON. The Senator does not know yet what my question is going to be. Will the Senator tell me, when the question comes up, as to who passes on the qualification of voters and whether or not the amendment was ratified by the State? Does the Federal court pass on it, or not?

Mr. ASHURST. The judges of election in the various precincts through Virginia pass upon the qualifications of the voters as the voters present themselves. Under the law of Virginia there must first be a registration at which qualified voters must present themselves and register, and then the judges of election are the judges of the qualified voters.

Mr. SWANSON. But the question is whether or not Virginia has permitted her qualified voters to vote——

Mr. ASHURST. She has.

Mr. SWANSON. And whether, under the law, she has ratified this amendment. Who passes on that question, as to whether or not Virginia is one of the three-fourths of the States? Do the Federal courts pass on it.

Mr. ASHURST. All right; who passed upon the great and magnanimous and worthy act that Virginia performed when she sent CLAUDE A. SWANSON to the United States Senate?

Mr. SWANSON. The Senate passes on that, finally.

Mr. ASHURST. That is true.

Mr. SWANSON. It is the final judge of my election returns.

Mr. ASHURST. The Senator knows that the various judges of elections certify to the proper authorities of the county, and they to the proper authorities of the State——

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator yield?

Mr. ASHURST. No; I do not yield. I am answering the question, and when I have finished answering the question I will yield. Then the secretary of state certifies, by direction of the governor, and that is done precisely as it is done under the constitutional amendment. What other hidden phrase, obscure phrase——

Mr. SWANSON. Then the question would be raised as to whether Virginia had passed on the amendment properly under this amendment. As I understand, the judge of election down at Sycamore precinct would be the ultimate judge as to whether the constitutional amendment was properly adopted or not; or would the Supreme Court of the United States be the judge?

Mr. ASHURST. The judge of election at Sycamore precinct——

Mr. SWANSON. Everybody knows——

Mr. ASHURST. Will the Senator not let me answer?

The PRESIDING OFFICER. Does the Senator yield to the Senator from Virginia?

Mr. ASHURST. Who has the floor?

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. ASHURST. Then I will keep it long enough to answer the question. The judge of election at that precinct is the judge of the qualified electors who present themselves in that precinct. Is that a clear answer?

Mr. SWANSON. That is clear; but then the question comes, Has Virginia as a whole ratified? Sycamore precinct can not determine whether an amendment has been passed on by the entire State or not. Is the Supreme Court of the United States to decide it? I want to know whether the Federal courts would ultimately pass on the qualifications of the voters.

Mr. ASHURST. That is a political question, not a judicial question. [Laughter.] There is no occasion for an outburst of that sort. That is a political question. The question as to whether a government is a republican form of government or not is not a judicial, but a political question. That is a political question, not to be determined by judicial procedure. When the secretary of state of Virginia sends to the Secretary of State of the United States a certificate that that State has ratified a pending amendment, you can not go behind that certificate.

Mr. SWANSON. I would like to have that stated in the proposed amendment.

The PRESIDING OFFICER. Does the Senator further yield?

Mr. ASHURST. Certainly. I am handicapped. I appreciate the handicap under which I labor when I attempt to talk law with the Senator from Virginia, especially Virginia law. But it so happens that he has attacked me on my strongest point——

Mr. SWANSON. The reason why I asked the Senator the question was because I recognize that he is a great constitutional lawyer. That is the reason I interrogated him. I concede what the Senator says about his superior ability as a lawyer, and I was asking for information. As I understand the Senator, his position is that when the State of Virginia or the State of Mississippi certifies, through its secretary of state, that a majority of the qualified voters have ratified an amendment or refused to ratify it, that is final?

Mr. ASHURST. That is true.

Mr. SWANSON. Will the Senator please put that in his amendment so that there will be no doubt about it?

Mr. CARAWAY. May I ask a question of the Senator? There will be no way, then, for the court to go back and say that some people who were qualified to vote were denied the right to vote?

Mr. ASHURST. Let me just answer the Senator from Virginia. At the present time when the legislature of State "A" ratifies an amendment, the secretary of state, under the seal of the State, certifies that to the Secretary of State of the United States. That is a procedure of which all persons take judicial notice. I can call to mind instances where, had the returns been gone into, fraud and corruption would have been shown, but no one did go or could have gone beyond the returns in such a case. I appreciate, without any levity, that there might be some force in the Senator's suggestion, but no more force than the suggestion that it ought to have been there all these years. In other words——

Mr. SWANSON. If the Senator will yield——

Mr. ASHURST. Just a moment. In other words, when the Secretary of State of the United States has received from the appropriate authorities of three-fourths of the States proper certificates that an amendment duly submitted has been ratified by those States, the Secretary of State of the United States is permitted—not required, but permitted—to issue his proclamation that the amendment has been ratified. In the cases of the early amendments no proclamations at all were issued. They went by judicial notice; and I can well see that a proclamation ought to be issued, because in the case of the amendment submitted in 1810 it was stated in the schoolbooks and a great many politicians and even Congress thought that the amendment had been ratified. Therefore in 1810 the custom was inaugurated of sending out notices and proclamations that amendments had been ratified.

Mr. SWANSON. Is the Senator satisfied that no injunction could be issued against the Secretary of State or the certifying officer in any State to prevent him saying that the amendment had not been ratified by a majority?

Mr. ASHURST. I think a temporary injunction could be issued, but as soon as a judge who knew any law could reach it, he would dissolve it.

Mr. SWANSON. Does the Senator think an injunction would lie to compel an officer to say a State had not ratified a proposed amendment by a vote of its qualified voters? If such an injunction could be issued against a certifying officer of a State, who would determine as to whether the amendment had been properly ratified or not?

Mr. ASHURST. If it is determinable at all, if it is of a juridical nature at all, the State would determine it.

Mr. SWANSON. Is not the question as to whether an amendment to the Constitution has been ratified a juridical question?

Mr. ASHURST. That is a political question.

Mr. SWANSON. Does not the Supreme Court pass on questions relating to the Constitution?

Mr. ASHURST. It construes the Constitution.

Mr. SWANSON. Suppose a question arises as to whether an amendment has been properly ratified.

Mr. ASHURST. I doubt very much whether that court would pass on such a question. I think that is a political question.

Mr. SWANSON. Under the present Constitution the legislature passes an act, and the secretary of the Commonwealth certifies it.

I have an idea that you could look at the record of the general assembly and see whether a majority had voted for the ratification of the amendment or not, and if it were found that a majority had not voted for ratification, then it could properly be said that it had not been ratified. But you can not go behind the election returns of members of the legislature of a State, because it has been decided repeatedly in connection with the election of Senators that each legislative body passes on the qualifications of its own members, questions of fraud, and so on. It seems to me that when you go to the people, a serious question arises as to the extent to which Federal courts can pass on the elections, as to whether a majority voted, and as to whether they were qualified. That is the only question that has not been answered in reference to this amendment.

Mr. ASHURST. I think that is a proper question, and if I have any time left——

The PRESIDING OFFICER. The Senator's time has expired. The question is on the motion made by the Senator from Virginia to recommit the joint resolution to the Committee on the Judiciary.

Mr. WALSH of Massachusetts. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. SMITH. Is this a direct vote now as to whether the joint resolution shall be recommitted?

The PRESIDING OFFICER. The question is on the motion to recommit. The yeas and nays have been ordered, and the Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. DIAL (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. PHIPPS], and in his absence I withhold my vote.

Mr. FLETCHER (when his name was called). I am paired with the senior Senator from Delaware [Mr. BALL]. In his absence I withhold my vote.

Mr. REED of Pennsylvania (when Mr. PEPPER's name was called). On this question my colleague [Mr. PEPPER] is paired with the senior Senator from Minnesota [Mr. SHIPSTEAD]. If present, my colleague would vote "yea" and the Senator from Minnesota would vote "nay."

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from South Dakota [Mr. STERLING], and in his absence withhold my vote.

The roll call was concluded.

Mr. CURTIS. I desire to announce the following general pairs:

The senior Senator from Illinois [Mr. MCCORMICK] with the senior Senator from Oklahoma [Mr. OWEN]; and

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY].

Mr. JONES of New Mexico. I transfer my general pair with the senior Senator from Maine [Mr. FERNALD] to the junior Senator from Montana [Mr. WHEELER], and vote "yea."

Mr. SIMMONS (after having voted in the affirmative). I have a general pair with the junior Senator from Oklahoma [Mr. HARRELD]. I transfer that pair to the junior Senator from Georgia [Mr. GEORGE], and allow my vote to stand.

Mr. WALSH of Montana. As heretofore announced, my colleague [Mr. WHEELER] is absent on account of illness. If he were present, he would vote "yea."

The result was announced—yeas 41, nays 28, as follows:

YEAS—41.

Bayard	Elkins	Ladd	Simmons
Borah	Fess	Lodge	Smoot
Bronssard	Glass	McKellar	Stephens
Bruce	Hale	McKinley	Swanson
Bursum	Harris	McLean	Wadsworth
Cameron	Heflin	McNary	Walsh, Mont.
Caraway	Jones, N. Mex.	Moses	Watson
Colt	Jones, Wash.	Oddie	Willis
Couzens	Kendrick	Ralston	
Curtis	Keyes	Ransdell	
Dale	King	Reed, Pa.	

NAYS—28.

Adams	Dill	Howell	Reed, Mo.
Ashurst	Edge	Johnson, Minn.	Robinson
Brandegee	Edwards	Mayfield	Sheppard
Brookhart	Ferris	Neely	Trammell
Capper	Frazier	Norris	Underwood
Copeland	Gerry	Overman	Walsh, Mass.
Cummins	Harrison	Pittman	Weller

NOT VOTING—27.

Ball	Greene	Owen	Spencer
Dial	Harreld	Pepper	Stanfield
Ernst	Johnson, Calif.	Phipps	Stanley
Fernald	La Follette	Shields	Sterling
Fletcher	Lenroot	Shipstead	Warren
George	McCormick	Shortridge	Wheeler
Gooding	Norbeck	Smith	

So the joint resolution was recommitted to the Committee on the Judiciary.

PENSIONS AND INCREASE OF PENSIONS.

Mr. BURSUM. Mr. President, I move that the Senate now proceed to the consideration of Senate bill 5, the general pension bill.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from New Mexico.

Mr. SMITH. What is the motion?

The PRESIDENT pro tempore. The motion of the Senator from New Mexico is that the Senate proceed to the consideration of Senate bill No. 5, the general pension bill.

CLARENCE C. CHASE.

Mr. WALSH of Montana. Mr. President, I am in receipt of the following communication from the Secretary of the Treasury:

THE SECRETARY OF THE TREASURY,
Washington, March 25, 1924.

Hon. THOMAS J. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Yesterday Mr. C. C. Chase, collector of customs for collection district No. 24, headquarters at El Paso, Tex., presented to me his resignation from the service, a copy of which I inclose. As a matter of course, this resignation would have been accepted, but I notice in the afternoon papers that some action has been taken in the Senate looking toward impeachment proceedings. I do not desire to take any action which might embarrass any proceeding desired to be taken by the Senate. It will be necessary, however, to find a successor for Mr. Chase to take charge of this district. In view of the foregoing, will you be kind enough to advise me whether it will be satisfactory formally to accept his resignation.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

The inclosure is as follows:

THE NEW WILLARD,
Washington, March 24, 1924.

Hon. ANDREW W. MELLON,
Secretary of the Treasury, Washington, D. C.

MY DEAR MR. SECRETARY: I have to-day been called as a witness before the Senate Committee on Public Lands and Surveys, and upon being interrogated have invoked my constitutional privilege and declined to answer the questions propounded to me.

In all likelihood my action will produce unfriendly criticism, and as I am in the Government service as collector of customs for collection district No. 24, headquarters at El Paso, Tex., this criticism may react upon your department and my continued employment in the Government service therefore may be embarrassing to you.

I need not explain to you that in what I have done there is no justification for the insinuation or assertion that I have confessed to having committed any crime. I have not been guilty of any criminality or has any charge to that effect been made against me. I am, however, most anxious that my action shall not be the cause for any criticism of President Coolidge's administration or of your department, and accordingly I have the honor to tender to you my resignation of the office I now hold, this resignation to take effect at your pleasure.

I may say that my refusal to be examined by the Senate committee had nothing to do with the administration of my office as collector of customs.

As to my administration of that office, I court the strictest possible inquiry, feeling confident that such investigation will disclose that the office has been administered by me with the strictest fidelity and a high degree of efficiency.

Very much regretting the occasion for having to tender my resignation, and with deep appreciation of the courtesy that I have at all times received from you, I am, Mr. Secretary, with great respect,

Very truly yours,

C. C. CHASE.

I acknowledge the extreme courtesy of the Secretary of the Treasury in addressing this communication to me, and I am promptly replying to him that I see no reason whatever why Mr. Chase's resignation should not be promptly accepted, and that no proceedings which may be taken by either House of Congress will be in the slightest degree embarrassed by that action on his part.

What surprises me is that the President of the United States did not ignominiously dismiss Mr. Chase from the public service promptly upon the giving of the testimony by Mr. McKinney before the Committee on Public Lands and Surveys on the 11th day of March. He must have been advised of the fact, because the unofficial observer, Mr. Rush Holland, has been attending daily the sessions of the committee, and it was understood that he is there as the personal representative of the President. I think this an opportune time to tell the story in a connected way from the records.

I referred briefly the other day to the first suggestion of the likelihood of Mr. McKinney stating that Secretary Fall got the money from him. It came in what is known as the unsigned memorandum which, as I have advised the Senate, in some strange way got into the files of the secretary of the committee, no one knows from where. I can only speculate about it, and my speculation is that it was prepared as a memorandum of what Mr. Chase would tell the committee when he came before us. It is headed:

Memorandum in connection with Senator WALSH's investigation concerning purchase by Mr. Fall of ranch properties adjoining the Fall home ranch at Three Rivers, N. Mex.

It starts out this way:

It is understood that certain witnesses have been subpœnaed from New Mexico, presumably in connection with this ranch purchase, among such witnesses being one of the parties from whom the ranch was purchased, namely, Will Ed. Harris.

It is therefore apparent that the memorandum was prepared after the New Mexico witnesses were subpœnaed but before they testified. In that connection, a telegram was sent by Mr. Fall to the then chairman of the committee, the Senator from Utah [Mr. SMOOT], which I read from the record, as follows:

THREE RIVERS, N. MEX.,
November 20, 1923—11 p. m.

Hon. REED SMOOT,
Senate Office Building, Washington, D. C.:

Have just wired International News, Denver, as follows: "Thanks for your wire. Mr. McGee should be an authority on tax paying and finance; however, record evidence Otero County and sixth district court will disclose that dispute arising about my assessment I refused

to pay, and myself brought suit to adjust proper amount under State law, at same time disposing amount I claimed due, and that after several years decision was rendered my favor and all due taxes paid. Never threatened Mr. McGee at any time; and his complaint against me is, I presume, largely because, despite his abuse for years, I have declined publicly to mention his name. You are doubtless aware that a few months since McGee was indicted, tried by jury, and convicted of criminally libeling Chief Justice Parker, this State, and afterwards pardoned by the present governor. I am informed that he is also now under indictment for libel of ex-Chief Justice C. J. Roberts. A wire from you to Judge Meacham, presiding judge sixth district, or Hon. Mark B. Thompson, Las Cruces, N. Mex., special counsel for State tax commission, will corroborate foregoing as to tax matter." Clayton, one of WALSH witnesses, knows about tax suit, as does Stalcup Johnson, another witness there, can also testify, as well as other evidence possibly to be brought out. C. C. Chase now en route, arriving Monday. My son-in-law knows all about ranch deal and my business generally. Of course, if necessary, will go there personally after WALSH has concluded. I understood Doheny, Robison, and Bain were to testify before WALSH went any further. Think this very important.

A. B. FALL.

Then, Mr. President, followed the letter of Secretary Fall or Senator Fall of December 27, in which he again refers to this matter. In the memorandum to which I had adverted is found the following:

Knowing that the ranch property must be sold to settle the Harris estate, and desiring to acquire the same, Mr. Fall had upon more than one occasion for two or three years prior to the purchase discussed a possible purchase with Mr. Brownfield particularly. Not knowing when the purchase must be definitely made, in December, 1920, Mr. Fall made arrangements with a gentleman formerly associated with him, and as yet interested with him in business in a foreign country, for securing the money, upon immediate notice to this associate, with which to make the purchase indicated, as well as other moneys with which to complete a reorganization of his ranch business at and near Three Rivers. This gentleman referred to had and yet holds titles to properties costing a large sum of money and in which Mr. Fall has more than a 50 per cent interest. Aside from this, Mr. Fall had turned over other properties on a sale agreement to the gentleman referred to under the terms of which he was eventually to receive a minimum of $75,000 and a maximum of $125,000. This account, both in December, 1920, and in December, 1921, was still running under the same conditions. The understanding was that Mr. Fall could telegraph at any time for the money necessary for his purposes or that the same would be arranged at any time through Chicago.

Being in Washington, Mr. Fall got in touch with the gentleman named, who met him in Chicago and proceeded with him to El Paso, Tex., thence to California, returning by way of the Fall ranch some two weeks later; that is to say, about December 20. The gentleman was present in El Paso when the money was paid over to Harris and Brownfield on the original contract.

Mr. Price McKinney, of Cleveland, Ohio, actually made that trip with Secretary Fall from Chicago to El Paso and the city of Los Angeles.

In the letter of December 27 Secretary Fall repeated substantially the statement made in this unsigned memorandum concerning his ability to get the money from a gentleman with whom he had business dealings in a foreign country. It will be recalled that the telegram of date November 20, from Fall to Senator SMOOT, recited that his son-in-law, C. C. Chase, was leaving for Washington, was entirely familiar with his business, and with the ranch deal in particular. That is confirmed by telegrams which I desire now to read, as follows:

NOVEMBER 28, 1923.

Hon. C. C. CHASE,
El Paso, Tex.:

Important I should see you immediately. Will want you go to Washington. Can you come up in car at once or on night train prepared to go east from here? Can arrange by wire with department. Answer.

A. B. FALL.

Mr. Chase replied, under date of November 28, 3.39 p. m., as follows:

Hon. ALBERT B. FALL,
Three Rivers, N. Mex.:

Will be up train to-night prepared to go east.

C. C. CHASE.

Thereupon Mr. Fall wired to the Secretary of the Treasury as follows:

THREE RIVERS, *November 29, 1923.*

Hon. ANDREW W. MELLON,
The Secretary of the Treasury, Washington, D. C.:

Am requesting Mr. Chase, collector of customs, El Paso, to leave for Washington immediately on business important to me personally. Kindly extend him formal leave of absence to make trip without expense to Government. He will call on you at Washington regarding matter. Mr. Chase leaving to-day.

ALBERT B. FALL.

Mr. Chase wired to Senator Fall from Chicago as follows:

CHICAGO, ILL., *December 1, 1923.*

Hon. A. B. FALL,
Three Rivers, N. Mex.:

Am going via Cleveland to see party there at his invitation. Advises is confined to home.

C. C. CHASE.

Thereupon Senator Fall wired to Mr. McKinney as follows:

DECEMBER 3, 1923.

Hon. PRICE MCKINNEY,
Cleveland, Ohio:

My friends on the committee ask me to come to Washington to refute statements of McGee, which you have doubtless seen. This is the same man who purchased yours and other interests in Albuquerque Journal. I am leaving here to-morrow, arriving in Washington Friday morning. Can you meet me there, bringing Lucy over for a day or two? Kindly answer, and do you know whereabouts of Chase?

A. B. FALL.

From Chicago, under date of 9.10 a. m., December 4, 1923, Mr. Chase wired to Mr. Fall as follows:

A. B. FALL,
Three Rivers, N. Mex.:

Leaving here Golden State 6.30 to-night for Kansas City. Will meet your train there and return Chicago if necessary. Blackstone Hotel here to-day.

CLARENCE.

Under the same date he wired Secretary Fall as follows—this is December 4, 1923:

A. B. FALL,
Three Rivers, N. Mex.:

Cleveland matter not satisfactory. Can possibly be worked out. Am meeting you following advice Washington friends.

CLARENCE.

Unfortunately, Mr. President, the testimony before the committee does not disclose who were those Washington friends who advised Mr. Chase immediately to get into communication with Mr. Fall.

Mr. CARAWAY. If I may interrupt the Senator, were not those Washington friends like "Principal," "Apples," "Peaches," and "Apricots," who are still undisclosed?

Mr. WALSH of Montana. Possibly so. Thereupon Mr. Fall wired Mr. Chase, under date of 10.45 a. m., December 4, 1923, as follows:

C. C. CHASE,
Blackstone Hotel, Chicago, Ill.:

Your wire from Washington and to-day from Chicago very indefinite. Can't you be a little more explicit? Wire immediately. Mrs. Fall and self leaving this afternoon train.

A. B. FALL.

Mr. President, these telegrams, affording such persuasive circumstantial evidence of this effort to mislead and to deceive the committee concerning the origin of these funds, were all submitted to the committee on the 11th day of March last, two weeks ago yesterday. A week later, on the 18th day of March, Mr. McKinney came forward, under the subpœna of the committee, and told us that Mr. Chase came to see him as is indicated in these telegrams, with a view to getting him to confirm the story which Senator Fall had put up to him in a letter which he had written him in which he asked Mr. McKinney to tell the committee to the effect that he, McKinney, while on the trip from Chicago to Los Angeles, stopping off at El Paso, had loaned this $100,000 to Mr. Fall, and Mr. McKinney very promptly declined to do anything of the kind. He said he had not loaned Mr. Fall any such sum and was not going to say so.

Now bear in mind, Mr. President, it was on the 18th day of March, a week ago yesterday, that this whole affair became public property, and the President of the United States knows all about it if his unofficial observer sitting with the committee every day is discharging any duties or serving any public purpose whatever.

Mr. President, I should like to know from some one why is it that the President of the United States did not immediately demand the resignation of Mr. Chase, aye, sir, not even ask for his resignation but declare to him that he was ignominiously dismissed from the public service. I confess, Mr. President, that I am utterly unable to understand the attitude of the White House concerning this investigation.

FUEL OIL FOR THE NAVY.

Mr. COPELAND. Mr. President, in reply to what the Senator from Montana has suggested may I say it is quite apparent that the White House is interested just now in the matter of oil? The morning newspapers carry a very interesting record of a meeting which was held in the White House a day or two ago, attended by the Secretary of State, Mr. Hughes, and the new Secretary of the Navy, Judge Wilbur. As a result of this meeting and because of the anxiety the President feels regarding the alarming drain of the oil supplies of the country the President gave out a statement which I desire to read:

The President announced the appointment of a commission to study the fuel-oil needs of the Navy in the following statement:

"The purpose for which the naval oil lands were set aside was to provide reserves for the future. In order to do this in the best manner the oil should be, wherever possible, retained in the ground. Wherever this is not possible, however, it should be retained in tanks above ground. This oil is an important part of the national insurance.

"At the present rate of production there is estimated to be but 20 years of oil supply within the limits of the United States. When this is exhausted we will be dependent upon foreign sources for our supply. In time of war such supply will certainly be jeopardized and possibly cut off. Unless, therefore, the Navy has conserved in this country sufficient oil wherewith to fight a war, our national security is seriously endangered.

"The General Board of the Navy, which has made a careful study of the problem of national defense, has recommended a presidential commission to give more careful study to the fuel question, in view of present conditions. I have decided to appoint this commission now. This commission will have the same access to data and information contained within the governmental departments as was granted to the United States Coal Commission (H. R. 12377), Sixty-seventh Congress.

"This commission will have as its mission the general study of this problem, but specifically it will review the situation in each one of the Navy's reserves and endeavor to ascertain whether it will be possible by assignment of additional public land, transfers, trades, purchases, or otherwise to create larger or better protected reserves than those existing at present. This not only pertains to the United States proper but in addition to such oil lands as might exist in Alaska."

Then the President announced the appointment as members of the commission Dr. George Otis Smith, Director of the Geological Survey; Rear Admiral Hilary P. Jones, United States Navy, president of the General Board and ex-commander in chief of the United States Fleet; and Mr. R. D. Bush, of the bureau of mineralogy of the State of California.

I desire to call attention to the fact that this is a work of supererogation on the part of the President. It was unnecessary for him to create a new board and give it all the trouble incident to securing the information sought according to the terms of the President's statement. All the problems and all the questions suggested by the President are already matters of public record.

I wish to call the attention of Senators once more to a public document from which I have quoted heretofore on the floor of the Senate, namely, the report of the Naval Consulting Board of the United States, which is a Government document published at the Government Printing Office. It will be recalled, as I stated on a previous occasion, that Mr. Daniels, then Secretary of the Navy, when the war came on in 1915, but before we entered it, very wisely called into existence a body of great engineers. At the head of that consulting board was Thomas A. Edison, and 11 of the great engineering and chemical societies of this country were asked to furnish two members each. So there was organized a great board composed of 24 of the leading engineers of this country, and likewise the Navy itself appointed a fuel board, consisting of five officers of the Navy. This commission met in New York and called before them all the famous experts on fuel and fuel installation and the builders of tanks for containing fuel. There were numerous meetings, running through a number of months, and finally this board reached a unanimous conclusion regarding the matter of fuel oil.

I desire again to enter in the RECORD the conclusions of that board, in order that the new Secretary of the Navy, who will now begin to read the CONGRESSIONAL RECORD, may know what has happened in the Navy previous to his assuming the responsibilities of office.

The board reached the following conclusions:

First. The use of fuel oil enables the Navy Department to produce war vessels of a marked superiority in type. The projected battle cruisers, for example, could not be reproduced if required to use coal, nor could they be remodeled for burning coal, even at comparatively prohibitive cost, without seriously curtailing their military value.

Second. It is the unanimous opinion, therefore, of your committee that the requirements of national defense demand that the Nation hold with unassailable title reserves of oil land within its own borders, located with reference to economical transportation, and containing sufficient oil to meet the resuirements of our ever-enlarging Navy for a period of not less than 50 years.

Third. The best estimate at hand, that of the United States Geological Survey, respecting the probable remaining supply of petroleum underground within the United States is seven thousand six hundred and twenty-nine million barrels. The marketed production of petroleum within the United States in the year 1915 was 281,104,104 barrels. A simple calculation will show that should the consumption of oil remain fixed the estimated available supply will last only 28 years. While forests cut down can be reproduced in time, petroleum taken from the ground and consumed is forever gone.

Your committee is well aware of the fact that great quantities of fuel oil are to-day imported from Mexico for industrial uses and that the Mexican oil fields are probably the most extensive deposits of oil anywhere in the Western Hemisphere, if not in the world, but it believes that as a means of national defense such oil supply could not and should not be depended upon in the event of war. To-day Great Britain renews her supply of oil fuel from Mexico, and is assured thereof only so long as she maintains undisputed control of the seas.

For the use of our Navy it is now estimated that there will be an annual consumption in time of peace of quantities increasing from 842,000 barrels during the present fiscal year to 10,000,000 barrels annually in 1927. In time of war this consumption will be increased at least threefold. That is to say, we must face the possibility of a consumption in war time of not less than 30,000,000 barrels per annum. Nor does this take any account of oil fuel for aircraft or for industrial processes associated with national defense.

Your committee has given full consideration to the possibility of diverting from these industries sufficient oil to meet the demands of the Navy in time of war, but has reached the conclusion that this might of itself cripple industrial establishments upon which the Nation must depend for munitions of war.

Your committee, in view of the foregoing, believes that the representatives of our Nation in Congress now assembled have before them at present a question of supreme importance to the national defense in that certain legislation is pending which imperils the present oil reserves of the Navy, and therefore your committee has prepared the following resolutions, which it offers to the Naval Consulting Board with a recommendation for their adoption.

And these are the resolutions which were so adopted:

Whereas the Navy Department after years of study and consideration has definitely committed itself to the use of oil fuel on our naval vessels on account of its superior military advantages; and

Whereas the permanence and continuity of such fuel supply must be assured both for time of peace and of war; and

Whereas legislation is now pending in Congress which jeopardizes the integrity of naval petroleum reserves heretofore established for the above purpose; and

Whereas action by Congress adverse to the Navy Department's interests in these reserves will constitute a precedent for future actions and make any reserve whatever uncertain and liable to diversion: Therefore be it

Resolved, That the Naval Consulting Board, the official civilian advisory board of the Navy, composed of members of 11 national engineering and scientific societies, is convinced that any legislation which may divert from the Navy any portions of its reserves will seriously weaken the Navy and imperil the national defense. The Naval Consulting Board therefore urges upon the Nation and its representatives in Congress to permit no steps to be taken that will impair the integrity of the existing naval petroleum reserves.

The Naval Consulting Board commends the recent action of the Secretary of the Interior in recommending the creation of additional naval reserves in Colorado, Utah, and Wyoming on lands which have prospective value for oil production.

The Naval Consulting Board, however, does not believe that these recommended reserves can be considered as substitutes for existing reserves.

That was the unanimous action of these joint boards.

Mr. WARREN. Mr. President——

Mr. COPELAND. I yield to the Senator.

Mr. WARREN. I desire to ask what is the business before the Senate, because I have another matter that I want to bring up.

Mr. McKELLAR. We can not hear the Senator.

Mr. WARREN. Will the Senator permit me to take up a short bill that I want to have considered?

Mr. COPELAND. If the Senator can wait four minutes, I will yield the floor.

Mr. WARREN. I wanted to inquire, however, if there was any business before the Senate.

The PRESIDENT pro tempore. The business before the Senate is the motion of the Senator from New Mexico [Mr. BURSUM] to proceed to the consideration of the pension bill.

Mr. WARREN. I do not wish to interfere with that motion, but I have here a bill which I wish to take up.

Mr. COPELAND. Mr. President, I am glad the President of the United States took the action which he did on yesterday. I am glad because, in the first place, it will benefit the new Secretary of the Navy. It will bring to his knowledge the fact that Admiral Griffin, the Chief of the Bureau of Engineering, two days before Mr. Denby signed the lease by which the oil reserves were turned over to private interests begged Mr. Denby that the matter of leasing the reserves should be referred to the General Board of the Navy. Mr. Denby declined to take that action. Now that the administration has given away our oil reserves, now that it has given away all the oil it had, the President of the United States appoints a board to see if they can not find some more oil. It is to be hoped and expected that the conference at the White House and this action of the President will give the new Secretary of the Navy a good start and protect him against falling into the costly errors of his immediate predecessor.

I am glad, in the second place, that this action has been taken because it will reassure the President if a board of his own selection advises him to take a forward looking stand on a matter which so far the administration has disregarded. It is reassuring that the Chief Executive is aroused to the importance of the oil-reserve policy.

In the third place, I should like to say that this action may benefit the country. It certainly will if the Republican administration reaffirms the conclusions reached by the Democratic administration during war time, a policy which was adopted and recommended at that time, as I have shown the Senate, by all the great engineering societies of this country.

So, finally, it seems that the present action of the President—and I should like to say this to the Senator from Wyoming, in reply to what he has suggested—is a symptom which is indicative of a very much belated, it must be said, but nevertheless refreshing, determination on the part of the administration at last to guard the first line of defense, the American Navy.

Mr. HEFLIN. Mr. President, before the Senator from New York takes his seat I should like to ask him a question. What naval officer was it that the President appointed on this board?

Mr. COPELAND. Rear Admiral Hilary P. Jones.

Mr. HEFLIN. The Senator recalls that in the other instance, where the naval oil reserves were transferred by Mr. Denby to Mr. Fall, an admiral of the Navy was selected to act on that particular matter, Admiral Robison, and that he was the only one in the service who favored the transfer of this oil property and the granting of the leases. The Senator also recalls that Admiral Griffin opposed this transfer, and they relieved him of the duties that devolved on him and selected Admiral Robison to handle the matter, and that through Mr. Denby this property was transferred to Mr. Fall, and then the leases were granted to Mr. Doheny and to Mr. Sinclair. I believe the Senator touched on the fact that President Coolidge stated that he would not permit Mr. Denby to resign, and this was after Mr. Denby had transferred this oil property to Mr. Fall so that the Government would lose its entire oil reserves.

Mr. COPELAND. Yes, sir.

Mr. HEFLIN. I wonder if Admiral Jones agrees with Admiral Griffin's position or with that of Admiral Robison, who assisted in helping to get rid of all our oil reserves?

Mr. COPELAND. Of course I can not speak for this officer; but at least this action of the President indicates that at last he is aroused to the importance of this measure.

Mr. McKELLAR. After the oil is gone.

Mr. COPELAND. After the oil is gone.

A. W. MELLON, SECRETARY OF THE TREASURY.

Mr. McKELLAR. Mr. President, this morning there appeared in the Washington Post an article headed as follows:

Mellon, denying tax interfering, offers all data. Returns of companies he is interested in are open, he tells Senators. Asks prompt inquiry in fairness to all. Accountants ready to explain—COUZENS produces returns.

Mr. President, I ask unanimous consent that the entire article, containing Secretary Mellon's explanation, and showing his interest in the corporations set out in his explanation, may be printed in the RECORD at this point as a part of my remarks.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The matter referred to is as follows:

[From the Washington Post of Wednesday, March 26, 1924.]

MELLON, DENYING TAX INTERFERING, OFFERS ALL DATA—RETURNS OF COMPANIES HE IS INTERESTED IN ARE OPEN, HE TELLS SENATORS—ASKS PROMPT INQUIRY IN FAIRNESS TO ALL—ACCOUNTANTS READY TO EXPLAIN—COUZENS PRODUCES RETURNS.

Secretary Mellon denied he had "ever interfered with the Bureau of Internal Revenue in any way in any tax matter," in a statement yesterday laid before the Senate special committee investigating the bureau.

At the same time Mr. Mellon offered the committee full information on tax matters of companies in which he is personally interested, adding that in fairness to him and to the companies, the committee should make an immediate investigation.

"In the hearing before your committee yesterday," said the statement, "what purported to be a copy of a memorandum delivered by an exemployee to a member of your committee was introduced and has been made the basis for headlines in the newspapers which might lead the public to believe I had sought to influence the Bureau of Internal Revenue in its consideration of the tax liability of certain companies in which I am interested as stockholder.

WARMLY DENIES INTERFERING.

"As I have already stated, I have never interfered in any way with the Bureau of Internal Revenue in any tax matter. Last of all would I do so in cases in which it might be charged that I was personally concerned. I feel, however, that it is due to me, and to the companies involved, that your committee make an immediate investigation in order that you may thoroughly satisfy yourself and the public whether or not these companies have received any favors from the Government.

"Three companies which have been mentioned are the Gulf Refining Co. and its subsidiaries, the Standard Steel Car Co., and the Aluminum Co. of America. Each of these companies has advised the Commissioner of Internal Revenue that it waives its right to privacy under the statute, and the commissioner is authorized to produce to your committee, without restriction of any kind, all of the tax returns and accompanying papers for each tax year.

"Messrs. Ernst and Ernst, certified public accountants, are familiar with the tax adjustments of these companies, since they handled their presentation before the bureau. They can undoubtedly be of assistance to your committee in explaining the complicated questions involved, and I am informed are ready to respond to any call of your committee.

COUZENS PRODUCES RETURNS.

"Mr. A. C. Ernst will be in Washington on the 26th, and will be available then or thereafter. If question is later raised with respect to any other companies in which I may be interested, I shall be glad to do what I can to obtain similar publicity to their returns."

Solicitor Nelson Hartson, of the bureau, at the request of Senator COUZENS (Republican), Michigan, who is conducting the inquiry, produced the Senator's own tax returns, involving a proposed additional tax in 1919 of $2,147,000. The main question at issue was an allowance to be made as to "fair market value" of a "charitable gift" of property by Senator COUZENS, valued at the time of the gift at $1,796,995. An opinion by Hartson in 1923 in another case laid down a principle resulting in a reduction of the Couzens assessment by about $1,000,000.

Senator COUZENS said he had no knowledge of the details of the case until he heard them from Hartson. The Senator suggested that "the ruling that proposed the additional assessment against me was the fairest."

Mr. McKELLAR. Mr. President, on March 5 the Secretary of the Treasury, in writing to me, made an explanation of certain refunds, one of three million and some three hundred thousand dollars—the actual amount will appear in the letter—in the case of the Gulf Refining Co., in which the Secretary was interested. In reference to this, he said:

The actual payment of the amount refunded took place in April, 1921, shortly after I had become Secretary. I had no personal knowledge of these refunds at that time.

Then follows an explanation of the Atlantic, Gulf & West Indies compromise, in which it was assumed that the Secretary was also interested as part owner. I ask that that letter be inserted in the RECORD at this point as a part of my remarks.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The matter referred to is as follows:

THE SECRETARY OF THE TREASURY,
Washington, March 5, 1924.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have your letter of February 19, in which you make inquiry as to the basis for the settlement of the taxes due from the Gulf Refining Co. in 1921, and also the settlement of taxes due and owing from the Atlantic, Gulf & West Indies Steamship Co.

Section 3167 of the Revised Statutes provides as follows:

"SEC. 3167. It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return, or any part thereof, or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States he shall be dismissed from office or discharged from employment."

From this section it is obvious that it would be unlawful for me to give to you complete information as to the settlement of these particular cases.

The refunds to the Gulf Co. and its subsidiaries were charged against three appropriations, depending upon the year in which the taxes refunded were originally collected. The payments were $766,112.29 out of the appropriation for "Refund of taxes illegally collected, 1918, and prior years"; $1,350,884.68 from a similar appropriation for 1919; and $1,211,143.07 for 1921.

The quotation from the Washington Post inserted in a recent issue of the CONGRESSIONAL RECORD appears to be a copy of portions of reports to Congress of refunds which have been on file for some months, and consequently available to anyone's inspection.

The amount of the refunds and all details in connection with the settlement of the Gulf Co. cases were determined by the Bureau of Internal Revenue before my appointment as Secretary of the Treasury, although the actual payment of the amount refunded took place in April, 1921, shortly after I had become Secretary. I had no personal knowledge of these refunds at that time.

Referring to the Atlantic Gulf & West Indies compromise, from information received by the Bureau of Internal Revenue it was believed that large additional taxes and penalties were due from this company for past years. Before an assessment of these taxes had been made it became apparent to the department that the taxpayer was insolvent, and the sole question for determination was not the amount of the tax, but the amount that the taxpayer could pay. Since almost all of the assets of the taxpayer were subject to prior lien and the general credit of the taxpayer was not good, the levying of an assessment and its attempted collection would have served only to throw the taxpayer into bankruptcy and to destroy the Government's chance of collecting anything. The department made a thorough investigation into the financial condition of the taxpayer and its available cash resources with the sole idea of obtaining for the United States the largest possible payment. A compromise of the tax liability was then entered into under section 3229 of the Revised Statutes for $1,280,000, and satisfaction of a judgment against the United States in the Court of Claims for $1,351,381.81 and interest from November 19 to December 15, 1923. That the taxpayer was in fact in a perilous financial situation is disclosed by the subsequent receivership of the Ward Line, which was one of the most important and by far the best known of its subsidiaries.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Mr. McKELLAR. Now, Mr. President, I call the attention of the Senate to section 243 of the Revised Statutes of the United States. It reads:

No person appointed to the office of Secretary of the Treasury, or first comptroller, or first auditor, or treasurer, or register shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State or of the United States, or take or apply to his own use any emolument or gain for negotiating or transacting any business in the Treasury Department other than what shall be allowed by law; and every person who offends against any of the prohibitions of this section shall be deemed guilty of a high misdemeanor and forfeit to the United States the penalty of $3,000, and shall upon conviction be removed from office and forever thereafter be incapable of holding any office under the United States; and if any other person than the public prosecutor shall give information of any such offense upon which a prosecution and conviction shall be had, one-half the aforesaid penalty of $3,000, when recovered, shall be for the use of the person giving such information.

Mr. President, I call attention first to the evidence submitted by the Secretary of the Treasury himself that he is a part owner of and interested in the properties that have been described in these communications. Then I call attention to the express prohibition of the statute that no person appointed to the office of Secretary of the Treasury shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce.

I remember that when the Secretary of the Treasury was first appointed it was known that he was a man of large means, and it was reported in the papers, as I recall, that he had disposed of these properties, and that they would not make him ineligible for the position of Secretary of the Treasury. I read this at this time for the purpose of saying that, of course, if we are going to disregard the law, if the administration pays no attention to the statutes, the Secretary of the Treasury can continue in his office; but under the plain terms of this statute, which has been on the statute books since 1789, the present Secretary of the Treasury, upon his own admission, is ineligible to hold the office of Secretary of the Treasury. He may not have known it, it may be that he does not; and may be he never read it, and never knew of it, perhaps in the same way that Mr. Secretary Hughes did not know that it was against the law to witness prize-fight films where the pictures had been brought into the District of Columbia. But there can be no excuse hereafter for either of the present Cabinet ministers not knowing the law.

I have read the statute of 1789, as carried in the Revised Statutes of the United States as section 243, for the information of the Senate and of the country.

PENSIONS AND INCREASE OF PENSIONS.

Mr. DIAL. Mr. President, the pending question is the motion made by the Senator from New Mexico [Mr. BURSUM] to take up a general pension bill.

I trust the Senate will not even consider the bill. In 1920, the year after I took my seat in the Senate, a bill was passed giving magnificent increases in pensions to soldiers of the Civil War. Just two years before that the pensions of those soldiers had been increased from $13 to $30 and from $30 to $40, just in two years. In 1920 the pensions were increased from $40 to $50, and in cases where the veterans required the regular aid of attendants the amount was to be $72 per month.

I opposed the bill in 1920, one of my first acts after coming to Congress. At that time we had just gone through the Great War in Europe, a war causing greater destruction than any war before that in history. I felt then that it was inopportune, out of place, and uncalled for to grant additional pensions to those pensioners. That bill was passed.

Last year Congress passed a bill increasing the pensions of these men, involving an expenditure of $108,000,000 per annum. That went to the President of the United States for his approval, and he vetoed it. On the floor of the Senate I said that I had never expected to live to see the time when a Republican President would veto a Civil War pension bill, but that is what President Harding did, and I felt that he was entitled to the thanks and gratitude of the American people. That bill came back and was redrafted, carrying something like $65,000,000, I think, but I am thankful to say that some others and I prevented its passage last year.

The same bill is here now, proposing to increase the amount $55,000,000 per annum. A short time ago I noticed that President Coolidge had said he did not favor an increase of pensions at the present time. I am glad to see the Executive alive to the interests of the taxpayers of this country and disapproving propositions to increase pensions.

From a record which I have before me I see that already this Government has paid out in pensions to Civil War veterans the sum of $5,772,000,000, and it is estimated that at the expiration of five years from now an additional amount of $1,277,000,000 will have been paid out, making a grand total of $7,049,000,000. That shows an average for 783,000 pensioners of over $9,000 each already drawn and to be drawn.

The maximum allowance for total disability under the workmen's compensation laws of the different States is $5,000. So these Civil War pensioners will each draw $4,000 more than will be drawn by any individual who is entitled to such an allowance under the compensation law of any State.

We have before us now many claims, claims for adjusted compensation of those who participated in the last war, and other claims, and there are innumerable bills before Congress carrying great appropriations. The taxes of the people are increasing beyond their patience to bear them, and it does seem to me to be time when we should call a halt on expenditures and consider the taxpayers of this country.

Under the bill of 1920, which was most loosely and most liberally drawn, every pensioner who claims he needs an attendant can get $22 a month additional. It has been brought to my attention that these additional pensions are granted without much consideration. I heard of one case only a few days ago where a man some 72 years old, an inmate of one of the soldiers' homes, where he was already drawing $50 a month and getting compensation from another source, though not from the Government, concluded he wanted $22 a month more. He wrapped up his left foot in some rags, got some crutches, and hopped over before the proper officer, who readily allowed him $22 a month additional. He went back to his room, dispensed with the wrappings and his crutches, and soon thereafter walked five miles and stated he had gotten what he wanted.

We should guard the interests of this country more carefully than that. While we have been in session going on four months, we have legislated but little for the good of the people. I feel that the time has come to stop making these increases, and I trust that the Senate will refuse to pass this bill, particularly in the face of the admonition of the President. If we have not manhood enough in us to refuse to pass this bill, I hope the President will have manhood enough to veto it if we do pass it, and I trust it will not get through the Senate.

I think we should take up other matters instead of this and spend our time to better purpose. I hope the Senate will not take up the bill, because I am sure no good could come from it.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New Mexico [Mr. BURSUM].

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Edwards	Keyes	Reed, Mo.
Brandegee	Fess	Ladd	Reed, Pa.
Brookhart	Fletcher	Lodge	Robinson
Bruce	Frazier	McKellar	Sheppard
Bursum	George	McKinley	Shortridge
Cameron	Glass	McNary	Smith
Capper	Gooding	Moses	Swanson
Caraway	Harreld	Neely	Trammell
Copeland	Harris	Norris	Wadsworth
Cummins	Heflin	Oddie	Walsh, Mass.
Curtis	Johnson, Minn.	Overman	Weller
Dale	Jones, N. Mex.	Pittman	Willis
Dial	Jones, Wash.	Ralston	
Edge	Kendrick	Ransdell	

The PRESIDENT pro tempore. Fifty-four Senators have answered to their names. There is a quorum present. The question is on agreeing to the motion of the Senator from New Mexico [Mr. BURSUM].

Mr. DIAL. Mr. President, there are more Senators here now than were here a while ago, and I want to call their attention to the fact that last year, 1923, there was paid out in pensions $263,012,500.18. That is the largest amount, I believe, since the Civil War, notwithstanding this great distance from the Civil War.

I stated a while ago that there had been paid out in pensions since the Civil War to Civil War veterans $5,772,000,000. I am not certain, but my recollection is that the Civil War cost about $4,000,000,000, so there has been paid out in pensions more than the whole cost of the Civil War. I call attention of the Senate again that a magnificent increase was granted these pensioners in 1918 and again in 1920, and yet now they are undertaking to increase the taxes of the people by $55,000,000 per annum for the purpose of again increasing pensions.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Mexico that the Senate proceed to the consideration of Senate bill No. 5, a general pension bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of such soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and their widows, which had been reported from the Committee on Pensions with amendments.

Mr. WALSH of Massachusetts. Mr. President, several Senators have asked me, as a member of the Committee on Pensions, to explain the provisions of the bill S. 5, and I have prepared a very concise statement showing just what changes in the present law will be made by the passage of this bill. I know it is a subject that many Senators will have letters and inquiries about, and I think the statement which I have prepared may be helpful in making reply thereto. It will also serve the purpose of informing the beneficiaries of our pension legislation of the changes in the present law without the necessity of studying the details of this bill.

Senate bill 5, reported by the Pension Committee of the Senate, supersedes S. 3275, which passed the House and Senate during the last Congress and was vetoed by the President. It also supersedes S. 4305, a bill reported by the Pension Committee of the Senate meeting the President's objection to S. 3275, and which passed the Senate during the last session but failed in the House.

DIFFERENCES BETWEEN S. 5 AND THE VETOED BILL.

There are some slight differences between the bill now before the Senate—S. 5—and the bills which previously passed the Senate but failed of enactment.

As to the Civil War soldiers, there is no change, as both bills of the last session and the present bill provides a pension of $72 per month.

As to the Civil War widows, there are several changes from the bill vetoed by the President: In that bill there was a provision that the date of marriage might be any time before the date of the passage of the act. Under the provisions contained in S. 5 the date of marriage making a widow eligible to receive the pension is the same as the existing law, namely, June 27, 1905.

President Harding vetoed the bill that was passed in the last session because it contained a provision that any woman could marry a soldier the day before his death, if it were before the passage of that act, and receive a pension, but under this bill no widow who married a soldier after June 27, 1905, can receive a widow's pension.

WIDOWS OF CIVIL WAR SOLDIERS.

The next important change is the rate of pension to be paid to widows. The bills of last session carried a flat rate of $50. The pending bill carries a graduated rate, as follows: Widows under 60 years of age will receive $30 per month; after attaining the age of 60 years, $35; and after attaining the age of 74 years, $45. The present law provides a pension of $30 irrespective of age. The graduated rates named in the bill now under consideration removes the objectionable feature of the other bills of giving young widows the same pension as widows of advanced age.

I may add, however, in this connection, that statistics do not bear out the suggestion that has often been made that a large number of young widows are benefiting as a result of the Civil War pension law. An investigation made by the Pension Committee of the Senate, through the Pension Bureau, showed that the youngest widow was 42 years of age, and that out of the total number of 218,000 Civil War widows receiving pensions only 11,000 were under the age of 60 years.

Another provision in the pending bill which was not contained in either of the two bills which failed of enactment in the last session is the increase in the rate of pensions for Spanish war soldiers.

CHANGES PROPOSED BY S. 5 IN THE PRESENT LAW.

SPANISH WAR SOLDIERS.

The present law provides a graduated rate for Spanish war veterans in accordance with the degree of disability—$12 for 25 per cent disability, $18 for 50 per cent disability, $24 for 75 per cent disability, and $30 for total disability. The pending bill, Senate bill 5, increases the minimum rate to $20 and the maximum rate to $50 on the same basis of graduation. But if the soldier is 62 years of age, he gets the minimum rate of $20 on the ground of age alone. Heretofore the age pension for Spanish war soldiers was $12 (act of June 5, 1920). It will be noted that very few Spanish war soldiers have reached the age of 62. The average age now is about 46 years.

CIVIL WAR SOLDIERS.

The present law provides a flat rate of $50 per month for Civil War soldiers, with a proviso that in case the services of an attendant are required the rate shall be $72 per month. S. 5 removes the requirement of an attendant and provides a flat rate of $72 per month. This provision has been recom-

mended on the basis of information received from the Pension Bureau. There have been applications for the attendant's allowance received at the rate of about 1,580 per month, and about 85 per cent of this number have been granted, and the total number pensioned at $72 is 41,278 out of the total number of 158,851 Civil War soldiers receiving pensions. Therefore this bill will result in an increase of $22 per month to approximately 117,000 veterans of the Civil War. The average age of these soldiers is 80.5 years.

MINOR CHILDREN.

Senate bill 5 changes the existing law in regard to pensions for minor children and permanently helpless, idiotic, and insane children whose affliction existed before they attained the age of 16 years. Under the existing law the children of a soldier of the Regular Establishment are paid $2 per month each, the children of soldiers of the Spanish war $4, and the children of soldiers of the Civil War $6. The bill now before us provides an allowance of $8 per month for all these minor and helpless children. This would eliminate the discrimination between the children of the soldiers of the different wars. The committee came to this conclusion in view of the fact that the war risk insurance laws provide for minor children as follows: Ten dollars for the first child, $7.50 for the second child, and $5 for the third child.

SOLDIERS OF THE MEXICAN WAR.

They are treated the same in the bill now under consideration as the soldiers of the Civil War. This has been the practice for some time. They are given an increase from $50 to $72 per month.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. Certainly.

Mr. ROBINSON. What is the reason for the distinction in the allowances that are made now by law—first, with respect to children who are descendants of soldiers of the different wars; and, second, with respect to the distinction between the first, second, and third children, as the Senator has just mentioned in connection with the Bureau of War Risk Insurance?

Mr. WALSH of Massachusetts. I know of no satisfactory explanation that can be given. At least, the discrimination can not be justified. The bill which is being drafted by a subcommittee of the Committee on Finance to change the war risk insurance act will provide the same allowance for all children after the first child of soldiers of the late war, and that inconsistency in part will be corrected. Of course, there is no reason why we should provide $10 for the first child, $7.50 for the second child, and $5 for the third child. The amendment which the Finance Committee bill will propose will provide the same sum for each child, no matter how many children there are. Why the children of veterans of the Spanish War, the Civil War, and the Indian wars should be given different sums I can not understand, but the present bill provides a uniform rate for all of them.

Mr. ROBINSON. The difference might have arisen because of the fact that the subjects were treated in different legislative measures.

Mr. WALSH of Massachusetts. Yes; and the fact that the pensions of soldiers of these wars differ, and the length of service varies in order to obtain a pension status.

Mr. ROBINSON. Probably that is the explanation for it. I would like to know the basis for the distinction between the first, second, and third child under the war risk insurance act.

Mr. WALSH of Massachusetts. There is no justification for it. It was merely a guess. However, it is to be corrected in the changes that are to be made through a bill which a subcommittee of the Finance Committee, of which the Senator from Pennsylvania [Mr. REED] is chairman, is preparing.

Mr. ROBINSON. The pending bill, if I understand the Senator correctly, does remove the apparent discrimination between children of veterans of the various wars?

Mr. WALSH of Massachusetts. Yes. It makes the amount more than for children of the World War. It does give all children of soldiers of other wars the same, $8 a month.

Mr. DIAL. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from South Carolina.

Mr. DIAL. Why is it that we pay less to the Spanish War veteran than to the Civil War veteran?

Mr. WALSH of Massachusetts. The only reason is the age. The Civil War veterans are all very much older than the Spanish War veterans.

Mr. DIAL. It is graduated according to the age of the veterans themselves, but what of the widows?

Mr. WALSH of Massachusetts. So far as the Spanish War veterans are concerned the committee have retained the method that has been employed in the past in all of the previous bills. The law at the present time provides a graduated rate in accordance with the degree of disability, $12 for 25 per cent disability, $18 for 50 per cent, $24 for 75 per cent, and $30 for total disability. The pending bill increases the minimum rate to $20 and the maximum rate to $50, retaining the graduated scale dependent upon disability.

Mr. DIAL. But there is no graduated scale as to the disability of veterans or pensioners of the Civil War?

Mr. WALSH of Massachusetts. No.

Mr. ROBINSON. How many survivors are there among the soldiers of the Mexican War?

Mr. WALSH of Massachusetts. They are very few.

Mr. DIAL. The number is 41.

Mr. WALSH of Massachusetts. I have had prepared a very interesting table. I requested the Pension Bureau to prepare it for me. It traces every pension law from the first one which was passed in 1864 up to the present time, showing just what has been paid in the way of pensions. It is the first time such a table has ever been compiled and I am going to ask permission later to have it inserted as a part of my remarks. It shows at a glance every pension act and the amounts that have been paid for pension purposes to widows and children since the beginning of our pension list in 1864.

WIDOWS OF THE MEXICAN WAR AND WAR OF 1812.

Referring to widows of the Mexican War and the War of 1812, there are only 39 of them. That shows that there can not be very many Mexican War pensioners. They now receive $30 per month. This bill increases their pension to $50 per month.

MILITIAMEN.

This bill extends the existing law to all militiamen who served 90 days during the Civil War and received an honorable discharge. While it appears on its face as granting new title to pension, as a matter of fact these militiamen were given a pensionable status by the act of Congress July 14, 1862, but if they did not prosecute their claim prior to July 4, 1874, they are barred by the terms of the act. The purpose of this bill is to remove the time limitation. It is thought by the committee that this provision may affect about 2,000 militiamen.

Mr. ROBINSON. How many are there in that category?

Mr. WALSH of Massachusetts. There are about 2,000.

Mr. BURSUM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New Mexico?

Mr. WALSH of Massachusetts. I yield.

Mr. BURSUM. I desire to say that I do not see how the number could possibly exceed 1,000 on the basis of percentage.

Mr. WALSH of Massachusetts. Possibly the Senator is correct, but the committee reports estimate 2,000.

Mr. BURSUM. There were only about 20,000 to start with who were qualified under the 90-day provision, and, taking as a basis the survivors who came out of the Civil War, there would not be to exceed a thousand now living.

Mr. DIAL. Mr. President, will the Senator from Massachusetts yield to me?

Mr. WALSH of Massachusetts. Certainly.

Mr. DIAL. The report states that a great many of these men served less than 20 days.

Mr. BURSUM. Those would not get a dime under this bill should it become a law.

Mr. WALSH of Massachusetts. Under this bill they must have served at least 90 days. Am I correct about that?

Mr. BURSUM. Yes, sir.

Mr. OVERMAN. Is the pending bill a House bill or a Senate bill?

Mr. WALSH of Massachusetts. The pending bill is a Senate bill.

Mr. OVERMAN. Did not the President veto a similar pension bill at the last session of Congress?

Mr. WALSH of Massachusetts. I have discussed that matter, but perhaps I did so when the Senator from North Carolina was absent.

Mr. OVERMAN. I am trying to ascertain the difference between the pending bill and the one which was vetoed.

Mr. WALSH of Massachusetts. I have shown that difference early in my remarks.

Mr. OVERMAN. I know that, for I heard the Senator; but I wish to know the reasons which actuated the President. Of course, I could examine his message; but no doubt the Senator can tell me what reasons the President gave for vetoing the former bill and how those reasons would apply to the pending measure.

Mr. WALSH of Massachusetts. The bill which the President vetoed provided that all widows of soldiers of the Civil War could receive a widow's pension even though they were married but a day before the passage of the act. The law previous to that time gave pensions only to widows who had been married prior to June 27, 1905. The President took the position that that would open the door to young widows who married soldiers in their old age receiving pensions to which they were not entitled by any service they had rendered to the soldiers. The bill before us now retains the old provision of the law, namely, the limitation that the widow must have married the soldier prior to June 27, 1905.

ARMY NURSES OF THE CIVIL WAR.

Under the present law they receive a pension of $30 per month. This bill increases the rate to $50. The number of persons affected by this provision, according to the committee report, is 73.

INDIAN WAR SOLDIERS.

The present rate of pension for Indian war veterans is $20. This bill provides an increased minimum rate of $30, and graduated as follows: Upon attaining the age of 72 years $40, and upon attaining the age of 75 years $50.

There are very few of them, less than 2,000.

WIDOWS OF INDIAN WAR SOLDIERS.

They now receive $12 per month. This bill gives them an increase to $20.

Mr. JONES of New Mexico. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I presume, of course, that the committee considered the advisability of retaining the distinction in the amount of pensions granted to soldiers of the Mexican War, those of the Indian wars, and of the Civil War, but I can not understand why as to a citizen of the United States who has been engaged in any war and it is thought wise to grant him a pension, he should not be granted the same pension as is granted to the soldier of any other war. There are only a few of the survivors of the Mexican War and of Indian wars.

Mr. WALSH of Massachusetts. The soldiers of the Mexican War under this bill have their pensions raised to $72, the same as do soldiers of the Civil War.

Mr. JONES of New Mexico. Then why should not the same increase apply to those who served in Indian wars?

Mr. WALSH of Massachusetts. It would be a tremendous increase, because those soldiers have heretofore received only $20 a month. Under this bill the soldiers of the Indian wars receive a larger percentage of increase than do those of any other class. It should be remembered that there is a difference in the length of service required of the soldiers of the different wars in order to give them a pension status under the various age and service acts. For instance, Mexican War soldiers are required to have served at least 60 days, Indian war soldiers 30 days, and Civil and Spanish War soldiers 90 days.

Mr. JONES of New Mexico. If the bounty of the Government is to be extended to soldiers at all because of service in war, I do not think the proposition to grant to some a less amount of pension than to others can be defended.

Mr. BURSUM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New Mexico?

Mr. WALSH of Massachusetts. I yield.

Mr. BURSUM. I desire to say that the Indian war veterans are given precisely the same rate of pension in this bill as is given to Spanish War veterans and, taking into consideration the age, the same as is given to Civil War veterans.

Mr. JONES of New Mexico. Then the reason for the distinction is in the age and not because of the war in which the soldier served?

Mr. BURSUM. Yes, sir; that is the distinction, age being considered an element of disability.

MAIMED SOLDIERS.

Mr. WALSH of Massachusetts. This bill increases the present rate of $60 for the loss of one hand or one foot to $85, and increases the rate for the loss of an arm at or above the elbow from $65 to $90. It further establishes a new rate of $100 for the loss of one hand and one foot, and increases the rate for the loss of both arms or both legs or total blindness from $100 to $125.

Having increased the general scale of pensions, it is believed that the pensions for the maimed soldiers should be increased by approximately the same ratio; otherwise some Civil War veterans who are not maimed would receive greater benefits than some of the maimed soldiers. The laws heretofore have treated all maimed soldiers alike, regardless of their war service, provided they were maimed in line of duty.

I have not pointed out all the changes proposed in the present law by the pending bill, but merely what I considered the important and material changes.

COST OF SENATE BILL 5.

The Pension Bureau estimates that this legislation will cost $55,000,000 additional to the present cost of $253,000,000 (1924). The peak of appropriations for pensions was in 1923, when we appropriated $268,000,000. About $15,000,000 of this, however, was unexpended and was returned to the Treasury. It is thought that the additional cost of this bill will be about $2,000,000 more than the sum appropriated in the peak year of 1923. This sum will be gradually reduced as the number of pensioners decrease by death. If the present death rate continues (about 25,000 widows and about the same number of soldiers are estimated to die in a year), there will be a decrease of about $35,000,000 in pensions next year.

As an appendix to the foregoing remarks I desire to insert the following table, showing the pension rates fixed by the various laws since July 4, 1862, to the present time, for soldiers, widows, and children of soldiers, and Army nurses. This table is concise and very comprehensive, and shows just what changes have been made from time to time. It is, I think, the first table of its kind that has been prepared and published.

The PRESIDENT pro tempore. Without objection, the table will be printed in the RECORD as requested.

[The table referred to will be found as an appendix to the remarks of Mr. WALSH of Massachusetts.]

Mr. SMITH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. WALSH of Massachusetts. I yield to the Senator.

Mr. SMITH. I was absent from the Senate for a while and did not hear all of the discussion of the features of the bill by the Senator from Massachusetts. I should like to ask him what provision is made in the bill for the Spanish-American War veterans. The reason I ask that question is that it is my opinion that the veterans of that war have received less consideration according to their merit than any body of men who have served America.

Mr. WALSH of Massachusetts. The Senator is quite right in what he says about the sum paid them. I will repeat my statement as to the provision made for Spanish-American War veterans. The present law provides a graduated rate to Spanish-American War veterans in accordance with the degree of disability—$12 for 25 per cent disability, $18 for 50 per cent disability, $24 for 75 per cent disability, and $30 for total disability. The rates in the first Spanish War service act of June 5, 1920, were based on the same as given the Civil War soldiers in their first service act of June 27, 1890.

Mr. SMITH. May I ask the Senator in this connection, how does that compare with the pensions paid for like degrees of disability in the case of veterans of other wars?

Mr. WALSH of Massachusetts. It is less than one-half of the pension given to Civil War veterans and less than one-third of what is given to the veterans of the World War.

Mr. SMITH. Mr. President, of course, I am not now going to make a speech on the question; it is too late to do so; but when this measure comes up for final disposition I wish to call attention to the injustice, in my opinion, which has been done to the Spanish-American War veterans. Nobody ever served under worse circumstances. There was not so much of spectacular glory connected with their service, but what, with "embalmed beef" and the ravages of disease, and considering the heroic manner in which they served their country, I consider the Spanish-American War veterans equal to any body of soldiers who ever served the country.

Mr. BURSUM. Mr. President——

Mr. WALSH of Massachusetts. I will yield to the Senator from New Mexico as soon as I say that I heartily agree with what the Senator from South Carolina has stated.

Mr. BURSUM. Mr. President, I, too, entirely agree with the Senator from South Carolina, but this bill undertakes to remove that unjust discrimination, which has existed for many years. Under the provisions of this bill the Spanish War veterans will receive, taking into consideration age, exactly the same pensions as Civil War veterans have been receiving. We have undertaken to equalize the rates in the case of veterans of the various wars.

Mr. WALSH of Massachusetts. I will say to the Senator the minimum rate has been increased from $12 to $20 in the case of 25 per cent disability, and the maximum has been increased from $30 to $50. It is still very small, I think.

Mr. SMITH. I should like to state that I have not had an opportunity to study the bill, nor have I had opportunity to study the tables comparing the relief given to Spanish-American War veterans with that given the veterans of other wars, but I shall take occasion to do so, and I shall take occasion also to insist that they be given equal treatment at least with others who have served their country.

Mr. WALSH of Massachusetts. I think the committee have tried to follow some of the precedents established by Civil War pension laws, and also the age of the veterans; but I do not think there is room for argument along the lines suggested by the Senator from South Carolina that further increases should be made. I for one would be willing to go a long way further in giving pensions to these veterans. However, the legislative committee of Spanish war soldiers suggested the rates that are named in the pending bill.

Mr. DIAL. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. DIAL. I wish to say now that I propose, so far as I am concerned, to insist upon putting the veterans of all wars on an equitable basis, including the veterans of the Spanish-American War. If we are going to pass a pension law at all, I shall insist that all be treated alike.

Mr. WALSH of Massachusetts. Mr. President, if there are no other questions, I yield the floor.

APPENDIX.

ACTS AND RATES BASED ON AGE AND SERVICE IN DIFFERENT WARS INDEPENDENT OF THE GENERAL PENSION LAW OF JULY 4, 1862, WITH ITS MANY AMENDMENTS.

SURVIVORS.

	Per month.	
Indian wars:		
Acts July 27, 1892; June 27, 1902; and May 30, 1908	$8	
Act Feb. 19, 1913	20	
Act Mar. 4, 1917	20	$30
Mexican War:		
Act Jan. 29, 1877	8	
Acts Jan. 5, 1893, and Apr. 23, 1900, certain survivors	12	
Act Mar. 3, 1903, all survivors	12	
Act Feb. 6, 1907—		
At 62 years	12	
At 70 years	15	
At 75 years	20	
Act May 11, 1912	30	
Act May 1, 1920	50	72
Act May 1, 1920, if requiring regular aid and attendance	72	
Civil War:		
Act June 27, 1890, in its original form, and also as amended by the act May 9, 1900	6–12	
Act Feb. 6, 1907—		
At 62 years	12	
At 70 years	15	
At 75 years	20	
Act May 11, 1912	13–30	
Act June 10, 1918	30–40	
Act May 1, 1920	50	72
Act May 1, 1920, if requiring regular aid and attendance	72	
War with Spain, Philippine insurrection, Boxer rebellion: Survivors, act June 5, 1920	12–30	20–50

ARMY NURSES.

Civil War:		
Act Aug. 5, 1892	12	
Act May 1, 1920	30	
War with Spain, Philippine insurrection, Boxer rebellion: Acts June 5, 1920, and Sept. 1, 1922	12–30	

WIDOWS AND MINORS.

Revolutionary War:		
Act Mar. 9, 1879, widows only	8	
Act Mar. 19, 1886, widows only	12	
War of 1812:		
Act Mar. 9, 1878, widows only	8	
Act Mar. 19, 1886, widows only	12	
Act Sept. 8, 1916, widows only	20	
Act May 1, 1920, widows only	30	50
Indian wars:		
Acts July 27, 1892, June 27, 1902, and May 30, 1908, widows only	8	
Act Apr. 19, 1908, Mar. 4, 1917, sec. 1, widows only	12	20
Mexican War:		
Act Jan. 29, 1887, widows only	8	
Act Apr. 19, 1908, sec. 1, widows only	12	
Act Sept. 8, 1916, widows only	20	
Act May 1, 1920, widows only	30	50
Civil War:		
Act Mar. 19, 1886, widows and minors	12	
Act June 27, 1890, in its original form, and as amended by the act of May 9, 1900, widows and minors	8	
Act Apr. 19, 1908, widows and minors	12	
Act Sept. 8, 1916, widows and remarried widows	20	
Act Oct. 6, 1917, widows only	25	
Act May 1, 1920, widows, remarried widows, and minors	30	30
War with Spain, Philippine insurrection, and Boxer rebellion—		
Act July 16, 1918, widows and minors	12	
Act Sept. 1, 1922, widows, remarried widows, and minors	20	

Mr. CURTIS. Mr. President, I understand that the Senator does not care to go on with the measure to-night. I had intended to move an adjournment, but I understand that the Senator from Washington [Mr. JONES] has a matter which he wishes to bring up.

COAST GUARD INCREASE.

Mr. JONES of Washington. Mr. President, the other evening I asked unanimous consent for the consideration of House bill 6815. The Senator from Maryland [Mr. BRUCE] asked at that time that it might go over. He has since examined the bill, and told me on yesterday that it would be entirely satisfactory to him for the Senate to pass the bill.

I want to call attention just briefly to what it is. It is a bill that passed the House, and we put it on the deficiency appropriation bill. Of course, both the House and the Senate are much opposed to putting legislation on appropriation bills. If we pass the bill here, it will take it out of the conference.

Mr. ROBINSON. What is the calendar number of the bill?

Mr. JONES of Washington. It is Order of Business 307. It provides for the transfer of some vessels from the Navy to the Coast Guard for the purpose of enforcing the antismuggling law.

Mr. ROBINSON. May I ask if the bill passed the Senate in the form that is set forth in this bill?

Mr. JONES of Washington. It was put on the appropriation bill as an amendment as it was submitted by the Budget Bureau. In the House they made no material changes, but some technical ones that were necessary to make it serve the purpose desired.

Mr. ROBINSON. What I am asking is, was the language of the Senate amendment, which was first embraced in the appropriation bill, identical with the language of the bill which the Senator proposes to pass?

Mr. JONES of Washington. No; it was not identical, but it was substantially the same. As it was put on by the Senate, it was the amendment suggested in the language of the Budget Bureau; but this had been introduced as a separate bill in the House, and had been very carefully investigated by the Interstate Commerce Committee, and the language was rearranged, and about the only substantial difference is this: In the amendment which we put on the deficiency bill 13 commanders are provided for, while in the bill as it passed the House 10 are provided for.

The Appropriations Committee did not know of the passage of the bill through the House. They took the language as reported to both Houses by the Budget Bureau. The bill as it passed the House had the very careful consideration of the Interstate Commerce Committee, and the changes that are made are rather technical, and not substantial. I have examined it very carefully.

Mr. ROBINSON. This bill has not been considered by the Committee on Commerce, has it?

Mr. JONES of Washington. Yes; it has been reported from that committee, and it is on the calendar.

Mr. ROBINSON. Unanimously reported?

Mr. JONES of Washington. Unanimously reported.

Mr. ROBINSON. Very well. I have no objection to its consideration.

Mr. JONES of Washington. There is only one amendment which I desire to offer, and that is to insert the word "warrant" on page 4, in line 24.

The PRESIDENT pro tempore. Does the Senator from New Mexico desire to have the unfinished business temporarily laid aside?

Mr. BURSUM. I do.

The PRESIDENT pro tempore. Is there objection to that course? The Chair hears none, and the unfinished business is temporarily laid aside.

The Senator from Washington now asks unanimous consent that the Senate proceed to the consideration of House bill 6815. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6815) to authorize a temporary increase of the Coast Guard for law enforcement, which was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized to transfer to the Department of the Treasury, for the use of the Coast Guard, such vessels of the Navy, with their outfits and armaments, as can be spared by the Navy and as are adapted to the use of the Coast Guard.

SEC. 2. (a) The President is authorized to appoint, by and with the advice and consent of the Senate, the following temporary officers of the Coast Guard: Two captains, 10 commanders, 25 lieutenant

commanders, 48 lieutenants, and 42 lieutenants (junior grade) and ensigns, of the line; and 5 commanders, 11 lieutenant commanders, 19 lieutenants, and 40 lieutenants (junior grade) and ensigns, of the Engineer Corps.

(b) Such temporary officers while in service shall receive the same pay, allowances, and benefits as permanent commissioned officers of the Coast Guard of corresponding grade and length of service, except that no such officer shall be entitled to retirement because of his temporary commission.

(c) Temporary appointments shall continue until the President otherwise directs or Congress otherwise provides.

SEC. 3. Permanent commissioned officers of the Coast Guard may be given temporary promotion, in order of seniority and without examination, to fill any such temporary grades. Notwithstanding such temporary promotion, any such officer shall continue to hold his permanent commission and shall be advanced in lineal rank, promoted, and retired in the same manner as though this act had not become law.

SEC. 4. (a) All original temporary appointments under this act shall be made in grades not above that of lieutenant, in the line or the Engineer Corps, and shall be made only after the candidate has satisfactorily passed such examinations as the President may prescribe. No person shall be given an original temporary appointment who is more than 40 years of age.

(b) Any warrant officer or enlisted man of the permanent Coast Guard may be given an original temporary appointment under this act, under such regulations as the President may prescribe, and without reduction in pay or allowances. Notwithstanding such temporary appointment, any such warrant officer or enlisted man shall be entitled to retirement in the same manner as though he had continued to hold his permanent grade or rating, and upon the termination of such temporary appointment shall be entitled to revert to such grade or rating. Service under any such temporary appointment shall be included in determining length of service as a warrant officer or enlisted man.

(c) The names of all persons appointed under this section shall be placed upon a special list of temporary officers, as distinguished from the list of permanent officers, of the Coast Guard. The President is authorized, without regard to length of service or seniority, to promote to grades not above lieutenant, in the line or Engineer Corps, or to reduce officers on such special list, within the number specified for each grade, and he may, in his discretion, call for the resignation of, or dismiss, any such officer for unfitness or misconduct.

SEC. 5. (a) Under such regulations as he may prescribe, the President is authorized to appoint, by and with the advice and consent of the Senate, 25 temporary chief warrant officers of the Coast Guard from the permanent list of warrant officers of the Coast Guard.

(b) Such chief warrant officer shall receive the same pay, allowances, and benefits as commissioned warrant officers of the Navy, except that any such officer shall continue to hold his permanent grade, and shall be retired in the same manner as though this act had not become law.

SEC. 6. (a) Under such regulations as he may prescribe, the Secretary of the Treasury is authorized to appoint temporary warrant officers, and to make special temporary enlistments, in the Coast Guard. No person shall be entitled to retirement because of his temporary appointment or enlistment under this section.

(b) Any enlisted man in the permanent Coast Guard may be appointed as a temporary warrant officer. Notwithstanding such temporary appointment, any such enlisted man shall be entitled to retirement in the same manner as though he had continued to hold his permanent rating, and upon the termination of such temporary appointment shall be entitled to revert to such rating. Service under any such temporary appointment shall be included in determining length of service as an enlisted man.

SEC. 7. The temporary appointment of any member of the Naval Reserve Force to an enlisted or commissioned grade in the Coast Guard shall not prejudice his status in the Naval Reserve Force when his temporary service in the Coast Guard shall have terminated. While serving with the Coast Guard members of the Naval Reserve Force shall not be entitled to retainer pay or any other special privileges by reason of their former service in the Navy or Naval Reserve Force, except that service in the Coast Guard may be counted as service in the Naval Reserve Force.

SEC. 8. Nothing contained in this act shall operate to reduce the grade, rank, pay, allowances, or benefits that any person in the Coast Guard would have been entitled to if this act had not become law.

Mr. JONES of Washington. Mr. President, I desire to offer an amendment. On page 4, line 24, after the word "enlisted," I move to insert the word "warrant." That word was left out inadvertently.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 4, line 24, after the word "enlisted," it is proposed to insert the word "warrant," so as to read:

SEC. 7. The temporary appointment of any member of the Naval Reserve Force to an enlisted, warrant, or commissioned grade in the Coast Guard shall not prejudice his status—

And so forth.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DETAILS OF OFFICERS OF THE UNITED STATES (S. DOC. NO. 79).

The PRESIDENT pro tempore. The Chair desires to say to the Senate that he has just received from the President of the United States a communication addressed to the President of the Senate, which he now lays before the Senate. It will be read.

The reading clerk read the communication, as follows:

THE WHITE HOUSE,
Washington.

The PRESIDENT PRO TEMPORE OF THE SENATE.

SIR: I herewith present for the consideration of the Congress the following measure designed to promote effectiveness in the Executive arm of the Government and recommend its enactment at the earliest practicable date of the present session:

A bill to authorize temporary Executive disposition, in the public interest, of the services of officers subject to Executive control.

Be it enacted, etc., That officers of the United States, civil and military, including retired officers consenting thereto, may at any time be specially assigned by the head of department concerned, for limited periods, to duty with or in any branch, agency, or political division of the Government of the United States, or with or in the American National Red Cross and other emergency relief organizations, whenever such assignment to temporary duty by the proper head of department shall be authorized by the President after determination that the same is required by the public interests. Any officer so assigned, without vacating his permanent commission, is hereby authorized to hold any public office the exercise or administering of which is involved in the execution of the assignment hereunder made. Sections 1222 and 1224, Revised Statutes, and the final sentence, beginning with the words "No person who holds" and ending with the words "consent of the Senate," of section 2 of the act of July 31, 1894, are hereby repealed.

In the opinion of the Attorney General rendered September 13, 1923, on the subject of the use of the naval forces in the enforcement of the national prohibition act, the constitutional provisions involved were thus expounded:

The clause of the Constitution authorizing Congress "to provide and maintain a navy" confers on it the power of determining when and for what purpose the naval forces of the United States may be used. It follows that the constitutional provision constituting the President the Commander in Chief of the Army, Navy, and Militia, would not give power to use the Navy in a manner other than as authorized by Congress.

Assuming the soundness of this view, and applying the language of the Attorney General to the Army clause of the Constitution corresponding to the Navy clause cited by him, there would result the doctrine that in time of peace the President may not, under any circumstances, put any part of the military or naval personnel to a use of even the briefest duration for which neither the Constitution nor act of Congress provides. However that may be, I find that the Comptroller General, adverting to such opinion and substantially invoking such a doctrine, has, in the absence of enabling legislation thereon, recently questioned, among others, the following special assignments of certain Army officers, and has taken the following action in their cases stated in his latest communication to the Secretary of War on the matter in this language:

This office can find no authority for the detail of aides to the civilian Governor General of the Philippines, assistants to the American Embassy in Cuba, as assistants in the Department of Justice, to the Bureau of the Budget, Treasury Department, or of other than a limited number of medical officers to the American National Red Cross. Payments to officers so acting or so detailed on the date of your letter, December 3, 1923, will be passed to the credit of the disbursing officers until the end of the current fiscal year to afford opportunity for presenting the matter to the Congress; unless statutory authority is secured on or before June 30, 1924, for the respective details, credit for all payments to Army officers while on such details after that date

must be denied in the accounts of disbursing officers. (Similar notice is therein given respecting officers assigned to the Inland and Coastwise Waterways Service.)

The Comptroller General's action raises a practical question in Government administration which I deem it advisable to present to Congress for disposition by enactment of suitable legislation. The very few officers now on such special assignments are rendering highly valuable public service by reason of the nature of the duties involved and their requisite equipment of knowledge and experience; and the Executive should not be disabled from so utilizing them, for limited periods, in the public weal. As it is neither possible always to foresee the necessities of administration demanding such assignments and the Government organizations affected thereby, nor practicable to obtain legislative action, as occasion therefor arises, in time to be of avail, general legislation in the premises of the character above set forth is urgently recommended.

Respectfully,

CALVIN COOLIDGE.

Mr. CURTIS. Mr. President, I ask that the communication be referred to the proper committee.

The PRESIDENT pro tempore. The Chair is unable to determine the proper committee.

Mr. CURTIS. Then I suggest that it lie on the table until disposition can be made of it to-morrow morning.

The PRESIDENT pro tempore. Unless the Senate otherwise designates, it will be printed and lie on the table.

Mr. SWANSON. Mr. President, to what committee was the communication from the President referred?

The PRESIDENT pro tempore. It was not referred to any committee. It lies on the table. The Chair was unable to determine to what committee the communication should be referred.

Mr. SWANSON. It seems to me the portion of it that refers to the Army should go to the Military Affairs Committee, and the portion of it that refers to the Navy should go to the Naval Affairs Committee.

The PRESIDENT pro tempore. Does the Senator from Virginia move that that be done?

Mr. CURTIS. I suggest that the matter be printed and lie on the table until to-morrow, and in the meantime we will determine what committee it shall go to.

The PRESIDENT pro tempore. That will be the order unless the Senate otherwise directs.

ADJOURNMENT.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 41 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 27, 1924, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 26, 1924.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, we are grateful for the awaking of mind, soul, and body to the new activities of a new day. We bless Thee for the gracious privilege of giving them expression. O Lord, hush all desires that direct downward and give impulse to every aspiration that points upward. Humble us in our pride and may we be not ashamed to do the sweet, simple, gentle ministries which means so much to human happiness. Give us the heart of courage that crowds out fear; strengthen the weak and give pity and mercy to the transgressor. God bless every institution and every person that helps men to love one another. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONTESTED-ELECTION CASE—CLARK *v.* MOORE.

Mr. NELSON of Wisconsin, from the Committee on Elections No. 2, submitted a privileged report in the contested-election case of Don. H. Clark *v.* R. Lee Moore, first congressional district of Georgia, which was referred to the House Calendar.

EXTENSION OF REMARKS—ADJUSTED COMPENSATION.

Mr. HOWARD of Nebraska. Mr. Speaker, I ask unanimous consent that all ex-service men in the House be permitted to extend their remarks in the RECORD in respect to the adjusted compensation bill.

Mr. BLANTON. Oh, Mr. BEGG is not here, and I do not think the gentleman ought to ask that when he is not present.

Mr. OLIVER of New York. But the gentleman from Ohio [Mr. BEGG] was here yesterday when some one secured permission.

Mr. SNELL. Mr. Speaker, I object.

EXPRESSIONS OF SYMPATHY ON THE DEATH OF THE LATE WOODROW WILSON.

The SPEAKER. The Chair lays before the House the following communications which he has received in an official capacity:

The Clerk read as follows:

PARIS, *February 6, 1924.*

The Chamber of Deputies, deeply moved by the news of the death of President Wilson, cherishing the grateful memory of that great citizen, under whose Presidency the United States brought to France and her Allies engaged in the most cruel war an invaluable assistance and whose every effort was bent on bringing about final peace through the organization of an international understanding, addresses to the House of Representatives of the United States the homage of its sentiments of profound sorrow.

PRAGUE.

To the CONGRESS OF THE UNITED STATES OF AMERICA,
Washington:

The presidents of the two chambers of the National Assembly of the Republic of Czechoslovakia regret deeply the death of President Wilson, all of whose efforts during the Great War were directed toward the deliverance of oppressed people. The Czechoslovakian people will preserve in grateful memory this grand apostle of liberty and justice.

BRUSSELS, *February 7, 1924.*

To the PRESIDENT OF THE HOUSE OF REPRESENTATIVES,
Washington:

The House of Representatives of Belgium sympathize deeply with the sorrow which has just come to the great American Republic. We salute with respect the glorious memory of the statesman who strove with indomitable courage for the triumph of right and who gave to Belgium, victim of an abominable attack, the support of his ardent sympathy. The Belgian house has the honor to assure you in this day of grief of the sympathies of close friendship and unalterable gratitude which unite Belgium and the United States.

EMILE BRUNET,
The President of the Chamber of Representatives of Belgium.

SANTIAGO, CHILE, *February 6, 1924.*

The PRESIDENT OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.:

I am honored in communicating to you a resolution of the house of the Chamber of Deputies in order to express to the body over which you preside its sincere regret for the death of the illustrious ex-President Woodrow Wilson.

PRESIDENT ERRAZURIZ.

TAX ON MOTOR VEHICLES.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 655) to provide for a tax on motor-vehicle fuels sold in the District of Columbia, and for other purposes, with Senate amendments thereto, disagree to all of the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table the bill H. R. 655, disagree to all of the Senate amendments thereto, and ask for a conference. Is there objection?

Mr. HOWARD of Nebraska. Mr. Speaker, I object.

Mr. UNDERHILL. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. HOWARD of Nebraska. Yes; if I do not lose it.

Mr. UNDERHILL. I would say to the gentleman that this is a very important bill. It concerns the District of Columbia and the State of Maryland, and if the gentleman has no real reason for objecting, I hope that he will withdraw his objection.

Mr. HOWARD of Nebraska. My real reason is the constant objection lodged on the Republican side of the House against granting the ex-service men of this House opportunity to speak their sentiments to the country through the RECORD with reference to the adjusted compensation bill. I know of no other means by which I may resent the assault upon these ex-service men, and I am going to exercise it.

Mr. BLANTON. Mr. Speaker, reserving the right to object, this gas bill is an important matter, and we should have some understanding about it.

Mr. HOWARD of Nebraska. That is an important matter also, and my objection stands.

GERMAN RELIEF.

Mr. GRIFFIN. Mr. Speaker, I have sent an amendment to the desk proposing to increase the appropriation to $25,000,000. In view of the fate of the amendment of the gentleman from Minnesota [Mr. WEFALD] it would be vain, however, at this late hour to insist on its consideration.

The committee report sets forth the fact that there are 2,500,000 children in Germany now facing starvation. That being true—and I have no reason to doubt it—there must be approximately 5,000,000 parents in the same predicament. How far will $10,000,000 go toward purchasing food in this country for their relief, particularly at the prices which now prevail? It will amount to about $1.33 for each person. That will surely not afford more than the most temporary form of relief. In this country it might perhaps feed one adult one day and provide bread and milk for three children.

Ten million dollars may seem to be a big sum to disburse in charity, but when you consider the number among whom it must be apportioned, its magnitude diminishes and our vaunted charity fades into a mere gesture. But it is a good and wholesome gesture, and I am for it, whatever the sum awarded to this most meritorious work of mercy.

One of the most gratifying features of this debate is the proof so abundantly evinced on this floor that the animosities of the war have practically disappeared.

Magnanimity and power go hand in hand. Only the weakling cherishes hate and holds a grudge.

That spirit of chivalry has been manifested here many times and the skeptic would only be smelling for meanness in human nature who would suggest that a single vote which might be recorded against this bill could be ascribed to bitterness or vindictiveness.

I respect the judgment, the learning, and the sincerity of the Members who have regretfully, I know, announced their opposition to this measure on the ground that the Constitution forbids the Congress to make gifts of this nature even for the most worthy purpose. I am a great admirer of the founders of our Constitution, and rather a strict constructionist, but I confess I am not impressed by such arguments; especially when I look back and find so many instances in our history where the statesmen and patriots, whom posterity delights to honor, confronted similar situations without fear or quibbling and unflinchingly resolved their doubts, if they had any, in favor of humanity.

Whether it was an earthquake or holocaust, a flood or famine, our Nation has invariably and promptly come to the rescue of the unfortunate, so that the words "American mercy" have become traditionally embedded as an anchor of hope in the hearts of all the peoples of the world.

We must not fail in this, nor endanger any impairment of the confidence which our past history has done so much to establish and encourage.

Though I speak with the tongues of men and of angels, and have not charity, I am become as sounding brass, or a tinkling cymbal.

Charity never faileth; but whether there be prophecies, they shall fail; whether there be tongues, they shall cease; whether there be knowledge, it shall vanish away. (Cornithians, xii, 1.)

Let the constitutional lawyers take notice:

Whether there be knowledge, it shall pass away.

Gentlemen talk about the interpretation of texts! Is the Constitution of the United States a mere aggregation of words? Has it not a soul? The whole history of our land cries out in protest against such a challenge. Let us, on this occasion, interpret and manifest the soul of America which has ever been known, as I hope it always will be, as "The Good Samaritan among nations."

COMMITTEE ON THE DISTRICT OF COLUMBIA—LEAVE TO SIT DURING THE SESSIONS OF THE HOUSE.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent, by the direction of the Committee on the District of Columbia, that that committee may sit during the sessions of the House for this day only.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the Committee on the District of Columbia may sit during the sessions of the House to-day. Is there objection?

There was no objection.

WAR DEPARTMENT APPROPRIATION BILL.

Mr. ANTHONY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7877.

The SPEAKER. The gentleman from Kansas moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

Mr. WURZBACH. Mr. Speaker, I make the point of order that there is no quorum present. I withdraw the point of order, Mr. Speaker.

The SPEAKER. The question is on the motion of the gentleman from Kansas that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7877, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7877, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 7877) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1925, and for other purposes.

The CHAIRMAN. The Clerk will read.

Mr. DICKINSON of Iowa. Mr. Speaker, I reserve a point of order on page 9, line 4, commencing with the word "*Provided*," in line 4, and ending with the word "Army," in line 5.

Mr. BLANTON. Mr. Chairman, I make the point of order that that comes too late, a lot of business having been transacted and numerous Members spoke after that paragraph was read. Even if a point of order could be lodged, it comes too late.

Mr. DICKINSON of Iowa. The point of order was made on yesterday.

Mr. LAGUARDIA. I made the point of order.

Mr. BLANTON. I want to submit the RECORD as to what happened. There was at least a half dozen gentlemen who spoke. I will read what the RECORD shows so there will not be any question about it.

The CHAIRMAN. The Chair will hear the gentleman from Texas.

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Texas yield for that purpose?

Mr. BLANTON. No; I do not yield. I direct the Chair's attention to page 4988; he will see where the Clerk read, as follows:

Pay of officers: For pay of officers of the line and staff, $30,338,000; *Provided*, That no part of this sum shall be paid to Maj. Charles C. Cresson, United States Army.

Then follows, immediately, Mr. JOHNSON of Kentucky. "Mr. Chairman, I will state that there is a tentative agreement between myself," and so forth. Then Mr. ANTHONY broke in with remarks; and then again Mr. JOHNSON of Kentucky interpolated remarks; then Mr. ANTHONY did the same; then Mr. WURZBACH interjected remarks; then Mr. JOHNSON of Kentucky again did so; then Mr. ANTHONY again did so; then Mr. REECE made remarks; and then Mr. BLANTON made some; and then Mr. CONNALLY of Texas; and finally, after all this, Mr. LAGUARDIA made his point of order, but after all this talk, and it was then too late for the gentleman from New York to get up and make a point of order. If that point of order does not come too late, I do not know the rules of the House.

The CHAIRMAN. The Chair can settle this controversy very easily. All that the gentleman from Texas says is true, but it is not decisive on this point. The only thing involved in the colloquy referred to by the gentleman was an attempt to settle a matter by debate. The thing that is fatal to the contention of the gentleman from Iowa is that there was an amendment offered and submitted to the committee, which in the opinion of the Chair settles the matter.

Mr. DICKINSON of Iowa. It is my impression that amendment was to an early part of the paragraph.

Mr. BLANTON. We are all interested in orderly procedure. Do I understand the Chair to say this colloquy did not shut out the point of order?

The CHAIRMAN. The colloquy was not directed to the consideration of the amendment, and so far as the colloquy was concerned the Chair would be inclined to rule that it was not a consideration of the matter at all. If the amendment was offered, however, that would seem to settle the matter.

Mr. BLANTON. They are directing the point of order to the paragraph of the bill, not to the amendment. The point of order is against the paragraph read at the bottom of the page.

The CHAIRMAN. The Chair understands that and was attempting to rule with the gentleman from Texas, if he will only permit.

Mr. BLANTON. Oh, well. [Applause.]

The CHAIRMAN. As the RECORD discloses the situation it is apparent that the point of order against the paragraph in the bill comes too late.

Mr. CONNALLY of Texas. Mr. Chairman, my amendment was pending with the point of order, as I recall it, when the committee rose.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. CONNALLY of Texas. I do.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. CONNALLY of Texas. The point of order was made, if the Chair pleases, by the gentleman from Kansas [Mr. ANTHONY], and appears on page 4988. The gentleman from Kansas said:

> I want to make the point of order on that amendment on the ground that it is new legislation which changes existing legislation.

Mr. BEGG. Mr. Chairman, I desire to reserve the point of order that it is not germane to the paragraph.

Mr. CONNALLY of Texas. Mr. Chairman, I make the point of order that that comes too late, because intervening matter has occurred.

The CHAIRMAN. The Chair overrules the point of order the gentleman now makes because there can be only one point of order considered at once. Other points of order may be made or remain pending, or they may be made later when the first point of order is disposed of.

Mr. CONNALLY of Texas. I would like to have them made if they are going to make them and consider them at one time.

Mr. BEGG. If the gentleman desires me to make the point of order, I make the point of order it is not germane to the paragraph.

The CHAIRMAN. It is the better practice to make all points of order at once, but a Member may not be precluded from exercising his right to make a point of order so long as another point of order is pending.

Mr. CONNALLY of Texas. Well, let them make them.

The CHAIRMAN. The gentleman from Ohio [Mr. BEGG] has made a point of order, which will be pending. The gentleman from Texas [Mr. CONNALLY] is recognized on the point of order. The point of order of the gentleman from Ohio is that it is not germane to the paragraph.

Mr. LAGUARDIA. Mr. Chairman, are we discussing the point of order now on the gentleman's amendment?

Mr. CONNALLY of Texas. We are beginning to have discussion of the form of procedure under the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Texas.

Mr. CONNALLY of Texas. I presume the Chair has consulted the precedents and is to rule?

The CHAIRMAN. The Chairman has his view of it, but he is open to conviction upon proper argument.

Mr. CONNALLY of Texas. I submit to the Chair that my amendment does not change existing law, because it operates only on this present appropriation, and therefore it does not change existing law. The effect of it is to provide that the Army may not use any of the funds appropriated in this section for the purpose of recruiting boys from 18 to 21 years of age without their parents' consent. Now, the statute remains just as it is, and the limitation, as I understand it, is simply a narrowing of the appropriation within the uses to which it can usually be applied.

Now, as to the point that it is not germane, I am at a loss to find in the bill an item entitled "Recruiting." From such an examination as I have made I can not find it. There may be some item devoted to recruiting, but I do not find it. Now, my amendment provides that no money under the head of "Pay of the Army" shall be devoted to the recruiting of men under certain conditions. It necessarily follows that since this item covers the pay of all the men of our Army it also covers the pay of those men who would be assigned to recruiting. If that be true, it occurs to me that my amendment is germane, because it simply provides that the Army shall not devote any pay to officers who may be assigned to recruiting under certain conditions.

Now, this same point, or practically the same point, has been before the House on former occasions. On December 16, 1922, the gentleman from Ohio [Mr. LONGWORTH] being in the chair, an amendment in slightly different form was presented, and a point of order was leveled against it. What transpired will be found in volume 64, part 1, Sixty-seventh Congress, page 585.

That amendment provided that "No part of the funds herein appropriated shall be available for the pay of any enlisted men or officer who may be assigned to recruiting men or boys under 21 years of age without the written consent of the parent or guardian of such minor or minors. On page 587, Mr. LONGWORTH in the chair, appears this ruling:

> The Chair is quite clear that the amendment is a limitation, especially in view of recent rulings by several chairmen. I recall that the first time the question was discussed in my hearing an amendment was offered by the gentleman from Kentucky [Mr. FIELDS] on the Army appropriation bill, depriving certain officers of pay if they did certain acts in social relations with regard to privates and other officers, and the Speaker sustained the amendment. The point of order is overruled.

That amendment—I will be frank to say—was not identical with mine, but an amendment having the same purpose as this amendment, to limit the use of the appropriation.

When the Army appropriation bill was before the House on January 17, 1923, volume 64, part 2, page 1902, of the RECORD, the following amendment was offered:

> *Provided*, That no part of this appropriation shall be expended to pay any officer who in peace time permits a man under 21 years of age to be enlisted without the parents' knowledge and consent.

Points of order were reserved to the amendment by the gentleman from Michigan and the gentleman from Kansas [Mr. ANTHONY]. The gentleman from Kansas [Mr. ANTHONY] addressed the Chair and said:

> Mr. Chairman, it is my opinion that the amendment is a limitation—

And later withdrew the point of order.

Last week in this House, on March 20, 1924, when the naval appropriation bill was pending I offered an amendment, as follows:

> Amendment offered by Mr. CONNALLY of Texas: At the end of the Byrnes amendment insert the following: "*Provided*, That no part of the funds appropriated by this act shall be utilized for the recruiting or enlistment of boys under 21 years without the written consent of the parents or guardians, if any, of such boys to their enlistment."

A point of order was made that it changed existing law, and so forth.

The gentleman from Illinois [Mr. GRAHAM] was in the chair, and reviewed the decision by the gentleman from Ohio [Mr. LONGWORTH], and, as appears on page 4606 of the RECORD, announced his decision, concluding the same with these words:

> The Chair, both on principle and following precedent, overrules the point of order.

The point of order was then made that the amendment was not germane at that particular point in the bill, and the Chair held that it was not germane at that particular point because there was a heading in that bill for recruiting by name and that amendment should have been offered to that paragraph. He held that it ought to have been offered to that paragraph of the bill where recruiting was set out.

I have not found any section in this bill particularly set apart for recruiting activities; but, since the pay of the Army is one item of recruiting activities, my contention is that it is probably more germane there than it would be to any other portion of the bill, and I submit that this, since it is not permanent law, but simply a restriction of the uses to which this appropriation may be put, is a limitation, and that it is germane to this particular section of the bill.

Following the Chair's ruling, last referred to, that the amendment was not germane to the paragraph, on Friday, March 21, 1924, the gentleman from Texas, who is now addressing the Chair, offered the following amendment:

> Amendment offered by Mr. CONNALLY of Texas: Page 27, at the end of the paragraph, insert the following: "*Provided*, That no part of the funds appropriated by this act shall be utilized for the pay of any officer or man who may recruit or enlist any boy under the age of 21 years without the written consent of the parent or guardian, if any, of such boy for such enlistment."

The gentleman from Ohio, as appears on page 4641 of the RECORD, made a point of order against the amendment.

The gentleman from Illinois [Mr. GRAHAM], Chairman of the Committee of the Whole, then made the following ruling:

> The CHAIRMAN. The Chair takes it there is no doubt about one proposition. The pay of the officers or the men who would do this recruiting work is included within the paragraph which has just been

read. If the Chair is wrong about that, he will be glad to be corrected. but it is the judgment of the Chair that the pay of such officers and men was included in this paragraph. The amendment offered by the gentleman from Texas [Mr. CONNALLY] is almost exactly the same amendment offered in the Army bill, to which the Chair referred yesterday in his decision. That amendment, which was also offered by the gentleman from Texas [Mr. CONNALLY], reads as follows:

"*Provided*, That no part of the funds herein appropriated shall be available for the pay of any enlisted man or officer who may be assigned to recruiting men or boys under 21 years of age, without the written consent of the parent or guardian of such minor or minors."

The language is almost identical, with just a slight change.

As the Chair called attention yesterday, the Chairman of the Committee of the Whole, the gentleman from Ohio [Mr. LONGWORTH], on that occasion held that that was a proper amendment; that it was a limitation, and overruled the point of order which was made to it.

* * * * * * *

The CHAIRMAN. The suggestions made by the gentleman from Ohio [Mr. BEGG] are pertinent in an inquiry by the committee as to the merits of this proposition. They do not, however, go to the matter of parliamentary law involved. The Chair is not called upon, nor is the committee now, to decide just how this would be administered. The only question involved is, Is it such an amendment as the House ought to consider? The Chair thinks he should follow the precedent, the only one there is; however, if the Chair were deciding it upon the merits, as to whether it is a limitation or not, the Chair is entirely frank in saying he thinks it is a limitation, and that the former ruling of Chairman LONGWORTH was correct. The Chair, in view of that opinion, feels that the point of order should be overruled.

The amendment was held in order and was adopted.

Mr. BEGG. Mr. Chairman, I think it will not be a difficult task to convince the Chair, and even the gentleman from Texas [Mr. BLANTON], that the amendment is not germane to the paragraph.

Now, what does the paragraph seek to do? It provides the pay for the officers. I submit, Mr. Chairman, that if I were to offer an amendment providing that no part of this appropriation shall be used for the payment of an officer that happens to buy blue Army blankets for use in the Army the gentleman from Texas would immediately hold that that would be out of order because it would not be germane. This provision does not have anything to do with the activities of the men themselves but has to do only with the payment of salaries, and the Congress is obligated to pay the salaries of the men, and the direction of their activities is under the Army officers; and the germaneness of the amendment providing for the withholding of payment, providing you were to buy blue blankets, would be just as germane as for the gentleman to offer an amendment providing that the pay shall be withheld if they enlist a boy under 21 years of age.

Mr. DYER. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. DYER. Did I understand the gentleman to indicate where he thought this amendment should go?

Mr. BEGG. I did not; but I will say that because the gentleman from Texas [Mr. CONNALLY] can not find that place is no reason why it should be held germane to a place where it is not germane. The gentleman from Missouri [Mr. DYER] will surely admit, if I were to offer an amendment withholding this appropriation from an officer who bought blue blankets instead of gray or drab blankets, that such an amendment would be out of order.

The CHAIRMAN. The Chair is ready to rule. The paragraph in the bill last read by the Clerk was on page 9, beginning at line 3:

Pay of officers: For pay of officers of the line and staff, $30,338,000.

With a proviso which is not important in this connection.

To this paragraph the gentleman from Texas [Mr. CONNALLY] offers this amendment:

Provided, That no part of the funds appropriated by this act shall be utilized for the recruiting or enlisting of boys under the age of 21 years without the written consent of the parent or guardian, if any, of such boys.

It will be noted that the amendment is made as a proviso to a certain paragraph in the bill, and it has been held through a long line of decisions that a limitation to a paragraph in the bill can not be made to relate to other provisions of the bill. This amendment, by its terms, specifically includes all provisions of the entire bill, and yet it is offered as an amendment to a particular paragraph.

It is claimed that a part of the expenses of recruiting is pay of the officers; it is also just as true that a considerable portion of the expense of recruiting is not under "Pay of officers," but is carried in some other part of the bill.

In view of the precedents, that a limitation when offered as an amendment to a particular paragraph must not relate to the entire bill, the Chair sustains the point of order.

Mr. CONNALLY of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

Mr. WURZBACH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WURZBACH. On yesterday afternoon two amendments were offered to this section, one by the gentleman from Texas [Mr. CONNALLY] and another by the gentleman from New Jersey [Mr. BROWNE]. The gentleman from New Jersey, as I understand, was recognized by the Chair and sent his amendment to the Clerk's desk. Now, the amendment offered yesterday by the gentleman from Texas [Mr. CONNALLY] having been ruled out on a point of order, is not the gentleman from New Jersey [Mr. BROWNE] entitled to recognition for the purpose of presenting the amendment which was offered by him yesterday afternoon?

The CHAIRMAN. The gentleman from New Jersey will, of course, be recognized in due time, but it does not necessarily follow that he has the right to be recognized next.

The Chair thought this entire matter brought forward by the gentleman from Texas should be cleared up at once, and therefore recognized him for the purpose of offering a modified amendment, if he so desired.

The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: Page 9, line 14, after the colon, insert: "*Provided*, That no part of the funds appropriated herein shall be utilized for the pay of any officer who may recruit or enlist any boy under the age of 21 years without the written consent of the parent or guardian, if any, of such boy for such enlistment."

Mr. ANTHONY. Mr. Chairman, I make the point of order that the Clerk has not read that paragraph, and I want to make the further point of order that it is new legislation.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

Mr. CONNALLY of Texas. Mr. Chairman, what is the point of order?

The CHAIRMAN. That the Clerk has not yet read the part of the bill to which the gentleman offers an amendment.

Mr. CONNALLY of Texas. The Clerk surely has read line 4.

The CHAIRMAN. But the gentleman's amendment refers to line 14.

Mr. CONNALLY of Texas. That is merely a clerical error and it should be line 4. I ask unanimous consent to make that change.

Mr. BEGG. Mr. Chairman, I make the point of order that it is not germane.

Mr. CONNALLY of Texas. It should be line 4, the same place to which the other amendment was offered.

The CHAIRMAN. The Clerk read the amendment correctly.

Mr. CONNALLY of Texas. But it is just a clerical error made by the stenographer. Line 4 is where it ought to be.

The CHAIRMAN. Without objection, the amendment will be modified as suggested.

Mr. ANTHONY. Mr. Chairman, I make the point of order that it is new legislation and a change of existing law.

Mr. BEGG. And, Mr. Chairman, I make the point of order that it is not germane.

Mr. LAGUARDIA. Mr. Chairman, I would like to be heard on the point of order.

Mr. CONNALLY of Texas. I do not care to argue the point. I think the ruling which the Chair has just made brings this clearly within the rule.

Mr. LAGUARDIA. Mr. Chairman, I would like to be heard.

The CHAIRMAN. The Chair does not think so, but the Chair will hear the gentleman from New York.

Mr. LAGUARDIA. Mr. Chairman, the Chair has just ruled that the amendment previously offered by the gentleman from Texas [Mr. CONNALLY] was not germane in that it sought to limit the entire appropriation in the bill. The gentleman from Texas has now changed his amendment so as to prevent any of the money appropriated in this paragraph to be used for the salaries of recruiting officers recruiting boys under 21 years of age. If an amendment were offered limiting the appropriation for salaries to Army officers detailed to do missionary work in China surely the Chair would be constrained to hold such an amendment germane.

The money appropriated in this bill for the pay of officers is for the payment of military duties assigned to such officers. Therefore, in the recruiting of the Army officers are assigned to such work, and it is quite proper, under the rulings of this House, to limit appropriations if recruiting is conducted along lines specifically prohibited or limited in the appropriation bill itself.

Mr. BEGG. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. BEGG. The only claim that can possibly be made that the amendment is in order is under the Holman rule, as a limitation, is it not?

Mr. LAGUARDIA. Exactly.

Mr. BEGG. This is a matter dealing with the officers, and the amendment of the gentleman from Texas in no wise limits the officers or the pay of the officers. In order to be in order, the subject of the amendment must be germane to the subject of the paragraph to which it is offered.

Mr. LAGUARDIA. Exactly.

Mr. BEGG. For instance, take my illustration of a moment ago about blankets; you would not hold that in order.

Mr. LAGUARDIA. Would you hold in order a limitation if officers were assigned to do missionary work in China?

Mr. BEGG. That is beside the point.

Mr. LAGUARDIA. No; it is not. That is exactly the point here. You are assigning officers to a specific duty, and we limit the appropriation, and we reduce the appropriation if such duty is performed contrary to the limitations provided in the amendment.

Mr. BEGG. With reference to the gentleman's suggestion about the assignment of officers to perform missionary work in China, his amendment, then, is dealing with the subject matter of the paragraph, namely, the officers.

Mr. LAGUARDIA. Exactly.

Mr. BEGG. The subject matter of the amendment of the gentleman from Texas deals with enlisted men and not with officers.

Mr. LAGUARDIA. Oh, no; that is just the point. It deals with the pay of officers and not enlisted men.

The CHAIRMAN. Upon a close examination of the amendment, the Chair thinks it can cut this discussion short by saying that, in the opinion of the Chair, the gentleman from Texas [Mr. CONNALLY] has not cured the defect in his amendment at all, as it now reads, "provided, that no part of the funds appropriated herein."

Mr. CONNALLY of Texas. "In this paragraph" is what I meant. I ask unanimous consent to change the amendment in that respect. That is certainly what was intended.

The CHAIRMAN. Without objection, the modification of the amendment will be made.

There was no objection.

Mr. ANTHONY. Mr. Chairman, I made a point of order on the amendment when it was offered, on the ground that it was new legislation, and I want to call the Chair's attention to the fact that it is not a limitation of the appropriation but it conveys a specific direction to executive officers of the Government and to Army officers as to what they shall do and what they shall not do, and is a change of existing law. I want to call the Chair's attention to the ruling which the present occupant of the chair made last year on almost the identical point, where he called the attention of the House to the fact that it was not a mere limitation on an appropriation but, in effect, was legislation. I also want to call the attention of the Chair to the ruling made by Mr. Hicks, of New York, on the District of Columbia appropriation bill last year, where Mr. Hicks made this observation:

> Is the limitation accompanied or coupled with a phrase applying to official functions; and if so, does the phrase give affirmative directions in fact or in effect although not in form?
>
> Is it accompanied by a phrase which might be construed to impose additional duties or permit an official to assume an intent to change existing law?

I submit that the language of the amendment offered by the gentleman from Texas does all that.

Mr. BEGG. Mr. Chairman, I want to make the point of order that the amendment can not be offered at all to the paragraph. There is a difference in all dictionaries between a paragraph and a section, and we have not yet read the whole section.

The CHAIRMAN. The Chair will have to overrule that point of order. An appropriation bill is always read by paragraphs.

Mr. BEGG. That is the point I am making, Mr. Chairman, and this amendment applies to a paragraph, and the gentleman is seeking to make it apply to a section.

Mr. CONNALLY of Texas. No; I am not doing any such thing, and I would like to submit some observations to the Chair in reply to the gentleman from Kansas.

The CHAIRMAN. The Chair will be glad to hear the gentleman on that point.

Mr. CONNALLY of Texas. The gentleman from Kansas [Mr. ANTHONY] must have learned something about parliamentary law since last year or else has changed his mind. When an amendment was offered last year providing "That no part of this appropriation shall be expended to pay any officer who in peace time permits any man under 21 years of age to be enlisted without the parents' knowledge or consent," what did the gentleman from Kansas do?

Mr. ANTHONY. Will the gentleman yield?

Mr. CONNALLY of Texas. No.

Mr. ANTHONY. I call the gentleman's attention to the fact that the decisions I referred to were made since the time to which he refers.

Mr. CONNALLY of Texas. They were matters then within the gentleman's knowledge of parliamentary law, and his knowledge of parliamentary law is not any better now than it was then.

Mr. ANTHONY. I do not claim any great knowledge of parliamentary law.

Mr. CONNALLY of Texas. Here is what the gentleman from Kansas said:

> Mr. Chairman, it is my opinion that the amendment is a limitation.

I also want to call the attention of the Chair to the ruling of the Chairman, Mr. GRAHAM of Illinois, made last week. He held this identical amendment in order on the naval appropriation bill. He not only held it in order under the precedents but he said if it were an original proposition he would have to hold it was a limitation, and this amendment now is drawn so that it does not affect anything except the items in this particular paragraph, and it provides that these funds shall not be utilized for a certain purpose; and if that is not a limitation, I would like to know what a limitation is.

The CHAIRMAN. The Chair is ready to rule.

Mr. BLANTON. Mr. Chairman, I would like to be heard a moment.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. BLANTON. Of course, if the Chair has made up his mind I do not wish to waste time.

The CHAIRMAN. The gentleman from Texas is oftentimes very persuasive and might cause the Chair to change his mind.

Mr. BLANTON. I hope the Chair is not being facetious about such an important matter.

The CHAIRMAN. Not at all; the Chair was entirely serious.

Mr. BLANTON. Mr. Chairman, a precedent was set in the last Army bill on just such an amendment, when it was held in order. The precedent was again set on the naval bill for this year.

This very amendment is in the present Army bill, in the act that is the law of this land until July 1. Every officer and the War Department are operating under that law now. Whenever you can show the War Department now, and until the present law is changed, that a young man has been enlisted against his parents' consent under the age of 21 they release him immediately.

This is not an interference with the discretion of an Army officer, and for this reason: The discretion of an Army officer is just what he can exercise under the authority of law that the Congress has made for his guide. That is the discretion he can exercise. If Congress says to an Army officer you shall not enlist a young man under 21 years of age without his parents' consent, that is not interfering with the discretion of an Army officer; that is giving him a law to guide him.

Mr. MADDEN. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. MADDEN. The law does not say that now and this proposes to change existing law.

Mr. BLANTON. Does the gentleman from Illinois [Mr. MADDEN] mean to say that a legislative proposition in an appropriation bill for a fiscal year is not the law for that present fiscal year just as much as if it came from a legislative committee?

Mr. MADDEN. For this year.

Mr. BLANTON. Of course, and that is what is in the present law. It is a guide to the Army officer. He has no discretion except as the law gives it to him. I submit that this amendment ought to be held in order. I think the Chair did right in sustaining the point of order to the first amendment. I agree it was subject to a point of order, and that as to it the Chair was exactly right, but this second amendment is on all fours with

other amendments that have been held in order, both on the last Army bill and the latest Navy bill.

The CHAIRMAN. The Chair is ready to rule. As the membership of the House knows, the present occupant of the chair during his long service here has given some attention to parliamentary precedents. The Chair wishes to state in that connection that there has not been any one parliamentary question arising in this House to which the present occupant of the chair has given so much attention as to this particular matter of limitation. The Chair should add that it is the most difficult of all the questions with which we have to deal here, even more so than germaneness itself.

The Chair wishes first to state his attitude toward rider legislation in general, which is one of distinct opposition to that form of legislation, and to state at least three reasons:

First, such legislation, hampered by parliamentary restrictions under which it must be made, is apt to be faulty. It is not the place for legislation. Legislation ought to be considered by a legislative committee and considered in the House as legislation. Therefore any consideration given to a rider on an appropriation bill must of necessity be superficial and unsatisfactory on account of such restrictions.

In the next place, rider legislation when enacted is tucked away in large appropriation bills, mostly concerning something else, and the law becomes a maze through which it is difficult for one to find his way. That of itself is one good reason why every opportunity to prevent rider legislation should be taken advantage of.

Third, and a much more important reason, is that it is antagonistic to one of the fundamental principles of constitutional government, which is that supply bills should be separated so far as possible from legislation. When supply bills are filled with matters of legislation, differences between the two Houses are apt to arise, differences difficult of settlement, oftentimes prolonging the consideration and endangering the passage of such bills which are necessary for running the Government. Another reason more important than these is that when the bill has passed the two Houses and goes to the Executive, the Executive can not exercise his constitutional right of vetoing a matter of legislation to which he may seriously object without at the same time striking down a great appropriation bill necessary for the carrying on of the functions of the Government.

These are some of the reasons that cause the Chair to be one of those ready at all times to limit, as far as can be properly done under the parliamentary procedure of the House, legislation by way of riders on appropriation bills.

The Chair has stated that he has given consideration to this subject in times past. There are literally hundreds of decisions, and the present occupant of the chair has read every one of them so far as they have been collected in the volume of precedents, trying to decide what is the proper line of parliamentary procedure through this inconsistent mass of precedents.

The precedents being as they are decisions of former Chairmen become really of little consequence on account of their conflicting character. The Chair will not attempt to bolster the ruling that he will make by any preceding ruling as such, but will simply refer to the reasoning supporting a number of such rulings.

The Chair will first ask the attention of the House to a ruling made by Speaker Cannon, found in section 3935 of Hinds' Precedents, volume 4. The Chair will read only the reasons:

> The merits of the proposition are not involved in the point of order. What is the object of the motion and of the instruction? If it does not change existing law then it is not necessary. If it does change existing law then it is subject to the point of order. Much has been said about limitation, and the doctrine of limitation is sustained upon the proposition under the rule that as Congress has the power to withhold every appropriation it may withhold the appropriation upon limitation. Now, that is correct. But there is another rule, another phase of that question. If the limitation, whether it be affirmative or negative, operates to change the law or to enact a new law in effect; then it is subject to the rule that prohibits legislation upon a general appropriation bill.

A second reference I would make is to a statement of principle by Mr. Asher Hinds in his work, volume 4, section 3974:

> It has generally been held that provisions giving a new construction of law or limiting the discretion which has been exercised by officers charged with the duties of administration are changes of law within the meaning of the rule.

Another statement of the same principle by Mr. Asher Hinds reads as follows, being section 3976, volume 4:

> The language of limitation prescribing the conditions under which the appropriation may be used may not be such as, when fairly construed, would change existing law.

Another reference to Hinds' Precedents, volume 4, section 3973, is a decision by Mr. James S. Sherman:

> The Chair is perfectly clear on the subject.
>
> Rulings upon the subject of limitation have not been consistent by any manner of means; they have gone through something of an evolution. The later decisions have tended toward the point indicated, that where the proposed limitation might be construed by the executive or administrative officer as a modification of statute, a change of existing law, it could not be held to be a limitation. The Chair's belief is that the rulings along that line are correct, and so the Chair is constrained to sustain the point of order.

Just one more citation, and that is a statement in a ruling made by our distinguished colleague the gentleman from Ohio [Mr. BURTON]. It is to be found in section 3983, volume 4, of Hinds' Precedents.

Mr. Chairman BURTON in his ruling used the following language:

> The limitation ceases to be such when by its terms, whether expressed in affirmative or negative language, it necessarily changes existing law. When there is expressed in the amendment a prohibition, as here, and details as to the manner of the performance of the duties of the office, it clearly points out the intention of the provision to impose new duties upon the Government officials. It is evident that the provision would be purposeless unless the effect was to change existing law. Now, if it is the duty of the United States district attorney to act in the line directed by this amendment, the amendment is unnecessary. If it seeks to impose upon them other and further duties, it is contrary to existing law, and that is true whether it is expressed in affirmative or negative language. The Chair, therefore, sustains the point of order.

A reference was made by the gentleman from Texas [Mr. BLANTON] to what is the existing law. The law as carried in the current War Department appropriation act has no reference whatsoever to this point of order. The existing law with which we are dealing is as follows, and I quote from section 1560 of Barnes' Federal Code:

> Who may enlist: Recruits enlisting in the Army must be effective and able-bodied men between the ages of 16 and 35 years at the time of their enlistment. This limitation as to age shall not apply to soldiers reenlisting. No person under the age of 18 years shall be enlisted or mustered into the military service of the United States without the written consent of his parents or guardians, provided that such minor has such parents or guardians entitled to his custody and control.

This is the existing law, so far as we are concerned, in dealing with this proposition. What does this amendment provide? It provides that—

> No part of the funds appropriated in this paragraph shall be utilized for the pay of any officer who may recruit or enlist any boy under the age of 21 years without the written consent of the parent or guardian, if any, of such boy for such enlistment.

What is the effect of the provision? The effect is that whereas it is provided by law that the recruiting officer may recruit certain young men, and makes it his duty to enlist them, still he can not be paid under this appropriation bill with this alleged limitation if he enlists such boys or men as it is his duty to enlist. This is the effect of the proposed amendment. A recruiting officer has the right, and in fact it is his duty under the law, to recruit men over 18 years of age. This provision makes it so that he can not do it. What is the effect? The effect is to change the law so far as recruiting is concerned.

The Chair desires now to call attention to one precedent which has not been cited this morning but which is valuable here. The Chair refers to a reasoning by Mr. James R. Mann, who said that an appropriation might be restricted to redheaded men only or exclude such men only from receiving any part of an appropriation. Such a limitation relates only to the qualifications of the persons paid, and the gentleman from Illinois, Mr. Mann, was correct in so stating. The amendment now under consideration, however, does not go simply to the qualifications of the persons paid. It prohibits the recruiting officer from performing a service which is legal, which it is his duty to perform, if this amendment were not inserted. Therefore, it seems to the Chair——

Mr. BLANTON. Mr. Chairman, will the gentleman permit a parliamentary inquiry?

The CHAIRMAN. Certainly.

Mr. BLANTON. Does the Chair realize that in making this decision he is wiping off the books the decision made by the gentleman from Illinois [Mr. GRAHAM]?

The CHAIRMAN. The Chair is not wiping any decision off the books, as the Chair stated earlier.

Mr. BLANTON. That is the effect of his decision.

The CHAIRMAN. There are endless decisions, literally hundreds of decisions, and they are not all on one side by any means. According to the gentleman's contention either way the Chair decides he must wipe off the books a number of decisions. While the present occupant of the chair has very great regard for the decisions of the gentleman from Illinois, nevertheless, he has himself some convictions on the subject, having given the subject some considerable attention.

Mr. BLANTON. But the decision of the Chair is in direct conflict with that of the decision of the gentleman from Illinois.

The CHAIRMAN. Oh, yes; and with a number of others. The decisions are not at all consistent with each other. They are not uniform. Therefore, the Chair must be guided by the best reasoning he can find in all of these decisions, and he is entirely clear that the best and soundest reasoning is antagonistic to this amendment. The Chair sustains the point of order.

Mr. BLANTON. Mr. Chairman, I respectfully appeal from the decision of the Chair.

Mr. CONNALLY of Texas. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. Two gentlemen from Texas appeal from the decision of the Chair.

Mr. CONNALLY of Texas. I claim the right to make that appeal.

Mr. BLANTON. I yield the right to my colleague.

Mr. CONNALLY of Texas. Mr. Chairman, this is debatable under the five-minute rule, is it not?

The CHAIRMAN. It is.

Mr. CONNALLY of Texas. Mr. Chairman, I submit that according to the Chair's own words he admits that his ruling is contradictory to many precedents in this House. The present ruling overturns the ruling made by the gentleman from Illinois [Mr. GRAHAM] in this House on Thursday last.

The gentleman from Illinois [Mr. GRAHAM] in that decision reviewed the precedents and based his ruling not only on the precedents but on his own reasoning and held the amendment to be a limitation. I desire to submit a ruling by the present occupant of the chair, the gentleman from Connecticut [Mr. TILSON], which I do not think he quoted when he made his decision. This was on February 3, 1921, on an amendment by the gentleman from Kansas [Mr. ANTHONY], the gentleman who now says every limitation except his own is out of order. Here is the limitation which the gentleman from Kansas offered. (RECORD, p. 2523.) Now listen:

> The CHAIRMAN. The Chair is ready to rule. The bill makes an appropriation for aviation increase, to officers of the Air Service, $1,000,000.
>
> If left without the proviso, this $1,000,000 could be expended for increase of pay of all officers who under the present law are qualified to receive it—that is, those who are actual fliers. The proviso as now modified provides that this appropriation shall not be available for increased pay of any officer who is not attached to an airplane squadron regularly required to fly; but this proviso shall not apply to any officer temporarily detached from such squadron.
>
> The appropriation is already limited by existing law to officers who actually fly. This proviso, in addition to that limitation, adds another to the effect that besides being a regular flier the officer must also be attached to an airplane squadron which is required to fly.
>
> In the opinion of the Chair this is a limitation. It is not within the province of the Chair to pass upon the wisdom or lack of wisdom of the provision, but it is the opinion of the Chair that the proviso actually limits the class now authorized to receive this increased pay under the law. Such a limitation to an appropriation is in order under the rules. The Chair therefore overrules the point of order.

The gentleman from Connecticut in the chair made that ruling in 1921. He said that it was not within the province of the Chair to pass upon the wisdom or lack of wisdom of an amendment, and yet the Chair to-day opened up his argument with the proposition that the use of limitations was not the right way to legislate, and so forth. He overruled many of the precedents established in this House in recent years by his good, strong right arm, because, he says, it is not the right way to legislate. I appeal from the Chairman of the Committee of the Whole House on the state of the Union, the gentleman from Connecticut [Mr. TILSON], of 1924, who bases his ruling to-day on himself, to the TILSON of 1921, who based his decision upon the precedents of this House and the legislative power of this House. [Applause.] I ask that the Chair's decision be overruled.

Mr. BEGG. Mr. Chairman and members of the committee, this amendment ought not to be taken into consideration in the vote of whether we sustain the Chair in his decision. Now, in order that the gentleman from Texas—and I would like to have the gentleman from Texas pay attention—may know where his amendment will stick, I am going to show him——

Mr. CONNALLY of Texas. The gentleman is mighty kind; will he help me place it in what he thinks is the proper place——

Mr. BEGG. Beginning line 12 and ending line 16, is a paragraph in the bill for the pay of enlisted men, and if the gentleman would offer the amendment to that paragraph providing that no part of this fund shall be applied to pay of soldiers enlisted under 21 years of age, it would be in order.

Mr. CONNALLY of Texas. We have not got to that.

Mr. BEGG. Because the substance of the amendment is germane to the substance of the paragraph, but in the paragraph to which this amendment is offered the substance of that paragraph has to do with the pay of officers and in no way relates to the pay of enlisted men, under 21 or over 21. And an added reason why we ought to keep the proceedings of the House orderly is this: What kind of a predicament would we be in if some officer the last half of the year, after having drawn his pay throughout, would by a mistake enlist a boy under 21 years of age and that information would not come to the Army officer, the paymaster, until after he had received the last installment of pay? Then according to the law, if this particular provision is held in order to this paragraph, that officer would not be entitled to any of his yearly salary. And in conclusion, men, I do not care whether you enlist them at 19 years old or 21 you ought to cast your ballot on this proposition at the right place and not make an incongruous condition in the law and hitch on it something in this way, and I maintain that the Chair has held according to all parliamentary procedure.

Mr. DYER. Will the gentleman yield?

Mr. BEGG. I will.

Mr. DYER. The gentleman from Kansas in charge of the bill upon the floor stated a minute ago that he would offer a point of order, at least he did offer it thinking the amendment was at the proper place, that it was new legislation.

Mr. BEGG. That is a different point of order.

Mr. DYER. Of course great parliamentarians differ.

Mr. BEGG. Now I want to say to the gentleman from Texas [Mr. CONNALLY], regarding the decision rendered by the gentleman from Kansas to which he refers in that amendment, if the gentleman will read it carefully, he will find that the substance of the amendment was identical with the substance of the paragraph to which it was offered, and, of course, it was in order as a limitation. But you can not limit the pay of the officers on an amount of money by limiting the duty of some other class of enlisted men.

Mr. LONGWORTH. Mr. Chairman, I merely wanted to make one observation before the committee votes on this question, and I sincerely hope the committee will not take into consideration the merits one way or other of the amendment of the gentleman from Texas [Mr. CONNALLY]. I realize very well the difficulties that surround the Chair in interpreting these limitations. I have been in the Chair myself a number of times when this particular bill, the Army bill, was before the committee. The line of demarcation is very close indeed in all these propositions, but it seems to me that now we ought to realize that it is wise on the part of the Chair to construe all these questions as strictly as possible. Most of these precedents applied before the creation of this new Committee on Appropriations, when the committees that had charge of the legislation for the Army and the Navy and various other departments also had the power of appropriating. But I think we all realize that now, when the Committee on Appropriations has taken over all of the appropriating functions of the various committees of the House, it is the part of wisdom to confine bills reported by it as closely as possible to appropriations and as little as possible to legislation.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. DYER. What does the gentleman say about the second line there, wherein they provide that no part of this fund shall be paid to a certain officer of the United States Army? Is not that going beyond purely the subject of appropriating?

Mr. LONGWORTH. That is not involved in the discussion. I am merely suggesting that it is wise for the committee, before we undertake to overrule the decision of the Chair, to consider this main proposition, that notwithstanding how close these questions may be, as to whether they are legislation or not, whether or not in the guise of limitation it is wise to follow the general proposition laid down by the Chair in this case,

and that we ought to construe as strictly as possible legislative provisions in these bills.

Mr. BLANTON. May I ask how the gentleman voted the other day on the Graham decision when he held that legislation preventing the supervision of Government employees was in order under the rule?

Mr. LONGWORTH. Was that appealed from the decision of the Chair?

Mr. BLANTON. Yes; I appealed, and the vote was 77 to 1. I think the gentleman from Texas was the 1. My position was with the gentleman then, but we did not get the votes.

Mr. LONGWORTH. Well, the gentleman is sometimes mistaken.

Mr. GARRETT of Texas. Mr. Chairman, in view of the statement of the gentleman from Ohio that the line of demarcation is very close and very narrow in all of these amendments, and in view of the fact that the House by a decisive vote declared the policy that they did not believe that boys under the age of 21 should be enlisted either in the Army or the Navy, what better way could we settle that controversy than by voting against the decision of the Chair?

Mr. LONGWORTH. I will say to the gentleman that I personally disclaim any attempt to argue the merits or demerits of this question. It may be that at some other point in the bill the amendment of the gentleman from Texas [Mr. CONNALLY] would be clearly in order. Of course, I am slightly embarrassed when I find myself called upon to choose between the decision on the one hand of a very eminent parliamentarian, the gentleman from Illinois [Mr. GRAHAM], and on the other hand a decision that seems to be at variance therewith, that of the eminent parliamentarian now in the chair; but all that I am trying to do now is——

Mr. CONNALLY of Texas. And I may suggest another eminent parliamentarian, the gentleman from Ohio himself, who maintained that the amendment was in order.

Mr. LONGWORTH. The gentleman from Ohio was not called upon to decide upon this exact question. At any rate—and I repeat it—without consideration of the merits or demerits of this particular plan, or the question whether it may be in order at some other point in the bill, I hope gentlemen will take seriously the proposition to overrule the decision of the Chair in this case.

The CHAIRMAN. The Chair is prepared to make a statement, which will be very brief.

Mr. CRISP. Mr. Chairman, if the Chair will permit, I would like to make a statement before the Chair makes his statement.

The CHAIRMAN. The Chair will recognize the gentleman from Georgia.

Mr. CRISP. Gentlemen of the committee, in common with you all I have great respect for the ability and fairness of the present occupant of the chair. I know that he is sincere in his rulings. But it seems to me that under the rules of the House there can be no question but that the ruling of the Chair is erroneous, for this amendment is a pure limitation and as such undoubtedly it is in order as an amendment. As to whether or not the House desires to adopt it, that is a different thing. But as to whether it comes within the limitation rule, I do not see how it is open to controversy. My friend the distinguished leader [Mr. LONGWORTH] was presenting to the House, as the reason we should not adopt it, the fact that under the consolidation of appropriations in the Committee on Appropriations we should restrict the power of that committee. But the rules of the House placing all of the appropriations in the Committee on Appropriations affected only one rule of the House, and that rule was the Holman rule, and under that rule where the committee had jurisdiction of legislative matters as well as the authority to make appropriations the committee could report legislation in an appropriation bill if the legislation retrenched expenditures. The Committee on Appropriations never had that authority or power and the change of the rules in no wise affected the Committee on Appropriations so far as legislating on an appropriation bill. Now we all agree that the Committee on Appropriations is not a legislative committee. But this proposition is not suggested by the Committee on Appropriations. The Committee on Appropriations did not bring in the limitation proposed in this amendment. It is offered from the floor of the House.

But I go further, gentlemen. The Committee on Appropriations, under the decisions and precedents of the House, can bring in limitations, and the Committee on Appropriations today, in nearly every bill it reports, does contain some limitations. It has always been recognized that a committee can bring in limitations, and surely if the House committees can, then this great committee, composed of every Member of the House, is clothed with the same authority.

I can not see how gentlemen can doubt that this is a limitation.

Mr. LONGWORTH. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. LONGWORTH. I think the gentleman did not quite apprehend what I said. All I said was this, and I think the gentleman from Georgia will agree with me: That in construing what is a proper limitation the Chair should always err—if he errs at all—on the side of a strict construction rather than on the side of a loose construction.

Mr. CRISP. That is a question of opinion. When I had the pleasure of occupying the chair, if I ever had any doubt as to whether an amendment was in order, I always resolved that doubt in favor of the House and gave the House a chance to pass on it, overruling the point of order. [Applause.]

Mr. LONGWORTH. That would be true generally. But the gentleman agrees it is unwise to legislate on appropriation bills, does he not?

Mr. CRISP. Well, I think that is true, but I think—if my friend will permit me to say it—that is a question for the committee to determine, whether or not they will accept the amendment or adopt the legislation. That is a question as to the merits or demerits and as to whether or not you want to accept it.

I do not care to take up the time of the House any further, but I just want to read a decision——

Mr. BEGG. Before the gentleman reads that will he permit me to ask him one question?

Mr. CRISP. I yield to the gentleman.

Mr. BEGG. I have every respect in the world for the gentleman's judgment. I do not know whether the gentleman was present when I made some remarks a few moments ago, but suppose I were to offer an amendment providing that no part of this money should be paid to an officer or officers purchasing blue blankets—would the gentleman argue that that was a limitation?

Mr. CRISP. I would. I think that if there were a provision in this bill which provided for the purchase of black horses that the House, if it wanted to do a silly thing, could say that no part of the funds should be used for the purpose of purchasing bay horses or white horses. I think that is a limitation which would be in order under our rules.

Mr. BEGG. The gentleman is correct if the amendment were offered to a paragraph under Ordnance and Supplies.

Mr. CRISP. I will say to my friend that this amendment provides that no part of the funds in the paragraph to which it is offered shall be used for this purpose. Now, if the paragraph to which it is offered is not used to pay these salaries, then the amendment will be inoperative. As a parliamentary proposition this amendment is proposed as a limitation to a particular paragraph in the bill, saying that none of the money appropriated in that paragraph can be used for this purpose. Now, if that is not a limitation I can not conceive of one.

Mr. GRIFFIN. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. GRIFFIN. I am in doubt about this question, and it seems to me the main point to be considered is whether or not the proposed amendment involves new legislation or a change of existing law. The existing law, as I understand it, is that recruiting is only permitted between the ages of 16 and 35, and this proposed amendment, which seems to me to change that law, prevents the recruiting of soldiers under the age of 21. I would be glad to have the gentleman's opinion as to that.

Mr. CRISP. This amendment, if adopted, indirectly, to a limited extent, does change existing law, but it does not permanently change existing law; in other words, this amendment can not create any affirmative permanent legislation; it can not apply to any other funds that the department may have available; it only applies to the funds appropriated in a certain paragraph of this bill; it does not create affirmative legislation, but it says that none of the money appropriated can be used in violation of the limitation. In my judgment, the amendment is in order and the decision of the Chair should be reversed.

The CHAIRMAN. Before submitting the matter to the vote of the House the Chair will make a very brief statement. In ruling that this is in effect legislation on an appropriation bill the Chair is far from having any idea of depriving the House of any of its rights. He is, in fact, simply suggesting the proper tribunal to which these matters should be sub-

mitted, which is the legislative committee having jurisdiction of the subject matter and not the Appropriations Committee.

The Chair thinks that in considering this subject we should look through the form and to the substance of the matter. As indicated by the gentleman from New York [Mr. GRIFFIN], who has just taken his seat, it has the effect of changing the law so far as the enlistment of recruits is concerned, and the Chair agrees with him that we should look through the form and consider the effect of the proposed amendment.

In so considering this matter the Chair has arrived at a conclusion which seems unescapable in the light of the reasoning in the premises regardless of what may have been decided by himself or others in the past. As the Chair has already stated, those decisions and all the precedents on this point are conflicting; but whatever they may be the Chair has arrived at the conclusion which he has stated, believing that this is not a limitation upon the appropriation but is, in effect, a limitation upon the discretion of the executive authority, and for this reason the Chair made his ruling.

The question is, Shall the decision of the Chair stand as the judgment of the committee? The Chair will ask the gentleman from New Jersey [Mr. LEHLBACH] to assume the chair and take the vote.

Mr. LEHLBACH took the chair.

The CHAIRMAN. The question is, Shall the decision of the Chair be the judgment of the committee?

The question was taken; and on a division (demanded by Mr. BEGG) there were—ayes 76, noes 128.

So the decision of the Chair was rejected as the judgment of the committee.

Mr. ANTHONY. Mr. Chairman, I desire to offer a substitute.

The CHAIRMAN. The gentleman from Kansas offers a substitute to the amendment of the gentleman from Texas, which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY offers the following amendment by way of a substitute for the amendment offered by the gentleman from Texas [Mr. CONNALLY]: "*Provided*, That the Secretary of War shall discharge from the Army with the form of discharge certificate and the travel and other allowances to which his service, after enlistment, shall entitle him, any enlisted man under the age of 21 on the application of either of his parents or legal guardian if such enlisted man was enlisted without the consent of one of his parents or his legal guardian."

Mr. CONNALLY of Texas. Mr. Chairman, I reserve a point of order.

Mr. ANTHONY. I ask the gentleman to make the point of order now, if he has one.

Mr. CONNALLY of Texas. I withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas withdraws the point of order, and the gentleman from Kansas is recognized.

Mr. ANTHONY. Gentlemen of the House, I have offered this substitute for the amendment of the gentleman from Texas [Mr. CONNALLY] with the idea of relieving the War Department from the great embarrassment which it suffers in being compelled to literally obey the legislation which was placed upon the appropriation bill for the current year. There is also a tremendous expense that is involved under the language which compels the War Department before it can enlist a man anywhere near the age of 21 to require the recruiting officers to secure the affidavits and the direct evidence from the parents or from the guardian of the recruit presenting himself before the officer dares to enlist such a man, under penalty of having his pay forfeited. This means that the Army has been compelled to secure this evidence in the case of every man presenting himself for enlistment in the case of men ranging up to the ages of 30 years or more in order that the recruiting officer can be absolutely sure he has made no mistake and thus not subject himself to the penalty of having his pay withheld. The House ought to know just what this means. It has caused an increased cost in the expenditures required for recruiting the Army, in my judgment, of not less than $400,000 or $500,000 during the current year.

Mr. DOWELL. Will the gentleman yield?

Mr. ANTHONY. In just a second. The Adjutant General of the Army makes the statement in the hearings that he believed that the amendment placed upon the bill for the current year by the gentleman from Texas [Mr. CONNALLY] would cost $1,000,000 more than it would if the amendment had not been placed thereon. In my judgment it has cost us, as I say, from $400,000 to $500,000. I do not believe that this House in the present desire of the country for economy in Government administration means to do such a wasteful and extravagant thing as to compel the War Department to gather all of this evidence in the case of every man who presents himself for enlistment who is anywhere near the age of 21.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from New York.

Mr. LAGUARDIA. Will the gentleman's amendment insure the discharge of a soldier wrongfully enlisted on presentation of proper proof?

Mr. ANTHONY. I think the amendment which I have offered will absolutely meet the desires of the House that men under the age of 21 shall not be enlisted without consent of parent or guardian; or, if enlisted without such consent, shall not be required to serve in the Army if their parents or their guardians desire them out.

Mr. CARTER. Will the gentleman yield?

Mr. ANTHONY. This will mean that in such instances they will be instantly discharged. I yield first to the gentleman from Iowa.

Mr. DOWELL. I know the War Department is against this amendment, and I am not so sure it is against it from the standpoint of the expenditure involved, but does the gentleman know that the plan he has suggested of permitting them to take all these men into the Army in various parts of the United States and then return them home, where they have been wrongfully enlisted, would be any cheaper than it would be for the officers to go to their parents and find out how old they are before they take them in?

Mr. ANTHONY. Yes. I want the House to know that there were over 16,000 instances during the current year where young men presented themselves for recruitment and were held under observation in order to secure the affidavits from their parents or guardians that they were of the age of 21, and on those 16,000 men it is a fair estimate that it cost the Government $20 apiece to take care of them during that time, so that we lost over $300,000 in trying to secure evidence about these 16,000 men alone, who subsequently left without waiting for the evidence. The purpose of my amendment is to relieve the War Department from that ridiculous and unnecessary work and expenditure.

Mr. CARTER. I take it that the purpose of the gentleman's amendment is to keep the War Department from enlisting men whom they would have to discharge.

Mr. ANTHONY. Of course.

Mr. CARTER. And I am going to assume they would not do that.

Mr. ANTHONY. If the War Department used any judgment at all, no recruiting officer would knowingly enlist a man under 21 if he had any idea he was to be discharged the next day.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. DYER. Mr. Chairman, I ask that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Missouri asks that the time of the gentleman from Kansas be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CARTER. Would the gentleman object to having placed in his amendment the word "written," so that the written consent of the parent or guardian would be required?

Mr. ANTHONY. I would not.

Mr. CARTER. I think that would accomplish the purpose.

Mr. JONES. That is the question I wanted to ask the gentleman.

Mr. ANTHONY. My purpose in offering the substitute for the amendment was to make it possible for the War Department to go along and recruit men obviously of the age of 21 and over without having to go to the trouble and annoyance involved in securing absolute evidence that the man is over 21.

Mr. DYER. Will the gentleman yield?

Mr. ANTHONY. Yes; I yield to the gentleman.

Mr. DYER. Could not this be straightened out without any difficulty if the recruiting officers would say to the man who applies for enlistment, "Go to your parents and bring them here or bring affidavits"?

Mr. ANTHONY. Oh, no; that would be absolutely ridiculous. It would be impossible for the parent to be brought there. The situation is just this: There were 16,000 of these boys or men—because they were not all boys, and most of them were over 21—who presented themselves for enlistment, and while they were waiting for the evidence that the department was compelled to secure many of these men went away.

Mr. SNYDER. How many of them dropped out on account of their parents or guardians not giving their consent?

Mr. ANTHONY. There were 1,400 of them, I think.

Mr. HASTINGS. Is the gentleman's amendment the same as existing law with reference to those under 18?

Mr. ANTHONY. No. The existing law, under the defense act, as I understand it, requires the written consent of the parent or guardian for those 18 years or under.

Mr. HASTINGS. This would make it apply up to 21.

Mr. ANTHONY. This would make it possible for every man enlisted under the age of 21 to immediately be discharged on the request of his parent or guardian.

Mr. Chairman, I ask unanimous consent to modify my amendment by adding the word "written."

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to modify his amendment by inserting before the word "consent" the word "written." Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

The amendment of Mr. ANTHONY is modified by inserting before the word "consent" the word "written."

Mr. CONNALLY of Texas. Mr. Chairman, I offer an amendment to the substitute offered by the gentleman from Kansas.

The Clerk read as follows:

Amendment by Mr. CONNALLY of Texas to the substitute amendment offered by Mr. ANTHONY: In line 1, before the words "Secretary of War," insert the word "hereafter."

Mr. CONNALLY of Texas. Mr. Chairman, I have no objection to the amendment of the gentleman from Kansas. I do not think it is as good as mine, but since the gentleman from Kansas has changed his mind and announces that he is really in favor of the proposition at heart I am willing to compromise with the gentleman and accept his amendment. I will do that if in turn he will accept the amendment I offer to his amendment, and that is an amendment to add the word "hereafter," making this permanent law instead of a temporary law on an appropriation bill for one year and relieving us of the necessity of having to force every Committee on Appropriations each year and the Military Committee in this House to adopt it. If you will adopt my amendment to the Anthony amendment I shall be willing to agree to accept the amendment of the gentleman from Kansas, because I assume that since he has offered it he will see that it comes back from conference in the bill and will not strike it out in conference as the conferees undertook to do a year ago when the Committee on Appropriations agreed with the Senate conferees to take it out of the bill after the House had adopted it. What did the subcommittee do this year? After the House a year ago had put this amendment into the appropriation bill the subcommittee on the Army appropriation bill deliberately reported the bill to the House with that clause stricken out. Some gentlemen are not at heart in favor of this proposition. If the gentleman from Kansas will agree to my amendment by adding the word "hereafter" and make this permanent law I will agree to his amendment. The gentleman says the Army is not getting recruits. Why, here is a clipping from a newspaper quoting The Adjutant General of the Army as saying that recruiting in the Army under this very amendment is increasing, and that by the 1st of July the Army will have all the men that are authorized under the law to be recruited.

I want to read you a letter that I received from a woman about this very matter:

MARCH 22, 1924.

Representative CONNALLY,

Washington, D. C.

DEAR SIR: Our daily paper, the Muncie Star, gives a paragraph to your bill which bars boys under 21 from enlisting in the Navy. I wish, as a mother who has suffered from the present law, to heartily commend your action.

Our boy was pursued, apparently, by recruiting officers for several years before he was 18, and was induced, without our knowledge, to enlist on his eighteenth birthday. He has had a home way above the average and every advantage parents of moderate means give their children, but he resented our desire to give him an education which would fit him for real independence.

The advantages and possibilities of the Navy were, to say the least, misrepresented to him, as we knew when it was too late. After a year he realizes this and is bitterly and desperately repentant. We are trying to have him released that he may finish his high-school course and go to college. But "red tape" makes it a slow and discouraging process. As he has had quite a remarkable record for several years in military leadership, he is the type they want for officers, so I question if he will be released. If not, I dare not think of what his future may be, knowing, as I do, how unhappy he is.

I am, I trust, a loyal citizen, but I can not understand the fairness which permits the Government in peace time to secretly take our boys, upon whom we parents have spent so much of care and time and money. If in manhood they make such choices, that is their own affair. But in the years when they are legally minors have we parents no rights?

Please pardon me if I have taken more of your time than seems reasonable.

Yours truly, ROWENA N. HUFFER.

Mr. Chairman, the gentleman from Kansas [Mr. ANTHONY] puts his objections to my amendment on a purely money basis. I know that the Appropriation Committee becomes somewhat filled with ideas of money and figures. I know that dealing with money and appropriations so long their mental attitude looks out through the dollar, but in the name of all that is good, have we got to measure everything by the yardstick of the gold dollar? Are not the boys and their future worth anything? Are not the homes of the Nation worth anything? I submit that we ought to adopt the amendment by adding the word "hereafter" and make it permanent law. If you will do that I am willing to accept the amendment of the gentleman from Kansas. [Applause.]

Mr. GRIFFIN. Mr. Chairman, I rise to oppose the amendment. If I had my way I would turn the amendment the other way around, so as to prohibit the enlistment of men over 21 years of age and would encourage their enlistment under 21. [Applause.] What is needed most is a law to induce men over the age of 21 years to go out and produce. Grown-up men ought to be usefully employed in producing things necessary for the country and not be engaged in boys' play. War is a boys' game. Why, during the Civil War the bulk of the armies were composed of mere boys. In the Federal Army alone there were 2,159,798 soldiers under 21 years of age. The boys have done and always will do the fighting. They are at the age of romance; they are fired with enthusiasm; they have read the lives of Washington, Napoleon, Alexander, and other great heroes, and, being in the proper mental attitude, that is just the time for them to receive military training.

I have absolutely no sympathy with this whining about the service of boys in the Army. I have had hundreds of whining letters such as that which the gentleman from Texas read and almost shed tears over. Of course, they all think their boys are led astray by some other bad boys and the parents of the "bad" boys think their sons are the ones who have been misled.

But what I object most to is that they all think that the American Army and the American Navy are not good enough for their sons. In that case their boys ought to be spanked and kicked out of the service [applause] instead of amending the law in a way which practically concedes their unfounded aspersions to be true.

SOME BOYS WHO WERE NOT SPOILED.

Many of the ablest men who have distinguished themselves in our Army and Navy, you will find, joined the service when they were under 21 years of age. I could name a hundred famous men in history who went into the service under 21 years of age. Take the case of Washington, the Father of His Country, who, after three years of service as a public surveyor, was made adjutant general of the Colony of Virginia at the age of 19. At 21 he led a dangerous expedition to explore the source of the Ohio River and took part in an arduous military reconnaissance. At 22 he led the expedition which resulted in the capture of Fort Necessity.

Under the leave to extend accorded me, I will run through a merely casual list of great men in history who began their military careers at ages which, in the present effete and decadent period which we seem to be entering, would never have had the opportunity for great service and would probably have died in obscurity. If they were living to-day they would not be able to join the American Army or Navy. Their mammas would not let them!

Commodore Stephen B. Decatur entered the Navy in 1778 at the age of 18 years; served on the United States frigate *Constellation* and participated in the naval combats resulting in the capture of the French frigates, *l'Insurgente* and *La Vengeance*.

Capt. James Lawrence, who, mortally wounded, gave utterance to the Spartan exclamation, "Don't give up the ship," entered the Navy in 1798 at the age of 18.

Capt. Oliver Hazard Perry, who sent the imperishable and terse report of the victory over the British fleet on Lake Erie, "We have met the enemy and they are ours," went to sea at the age of 14 and entered the United States Navy at 17.

Commodore John Barry, the first commander of the United States Navy, went to sea at 14 and commanded his own ship at 20.

Capt. John Paul Jones, the hero of many naval battles in the Revolutionary War, who when his ship, badly battered, was sinking under him was asked by the captain of the *Serapis* to surrender, returned the sturdy reply, "Not by a damned sight; I've only begun to fight"—well, this hero was apprenticed on board a merchantman at the age of 12. At 17 he was made second mate, at 18 first mate, and at 21 was in command of his own ship.

Admiral Horatio Nelson, the hero of the Battle of Trafalgar, entered the British Navy at 12, accompanied Captain Phipps on his Arctic expedition at 15, fought in battles in the West Indies at 17, became a lieutenant at 19, and a captain at 21.

Commodore Edward Preble embarked as a seaman on an American fighting privateer in 1777 at the age of 16. At 19 he was made a midshipman.

Capt. David Porter went to sea on a merchantman at 14; made a midshipman at 18; and was on the United States frigate *Constellation* in her battle with the French frigates *L'Insurgente* and *La Vengeance*. Was wounded in a battle with the pirates on the coast of Santo Domingo at the age of 20, and took part in the war with the Barbary pirates while only 21.

Gen. Richard Montgomery, who died in the assault on Quebec during our Revolutionary War, had received, like General Gates, his training in the English Army, which he entered at the age of 18.

Gen. Daniel Morgan, the hero of the Battle of Cowpens, one of the greatest victories of the Revolutionary War, in which he defeated the redoubtable British cavalry leader General Tarleton, joined General Braddock's unfortunate expedition as a wagoner when only 19.

Gen. Andrew Jackson (Old Hickory), seventh President of the United States, joined the Revolutionary Army in 1780 at the age of 13 and fought with General Gates at Camden.

Gen. William Henry Harrison (Old Tippecanoe), ninth President of the United States, entered the Army at the age of 18 and fought under Gen. Anthony Wayne against the Indians when only 19.

Admiral David Glasgow Farragut, the hero of the naval battle at New Orleans, who, in the battle at the entrance to Mobile Bay, when he lashed himself to the mast, damned the torpedoes, and sailed triumphantly through a hail of fire, joined the Navy as a mere stripling at 9 years of age. At 12 he was intrusted with the command of a captured ship. At 18 became acting lieutenant, and took part in the naval encounter with the pirates of the West Indies at only 19.

Gen. James Wolfe, who won Canada for Great Britain by his famous defeat of Montcalm at Quebec, entered the army at the age of 15. He participated in the battles of the War of the Austrian Succession, in the Scottish rebellion of 1745, and took a brave part in the famous Battle of Culloden in 1746, when he was only 20 years old. He commanded a regiment at the age of 23.

These are only a few combings from American and English history. To go back to the Middle Ages and to ancient times would net hundreds of examples of virile and intelligent youths who owed their manhood to their early training in defense of their respective native lands.

At 16 Alexander the Great was man enough to take command of his father's army and quell a rising of the hill tribes. At 20 he succeeded to the crown of Macedonia and began the career of conquest which made his name historic.

Can you imagine any of these heroes importuning their parents to get them out of the army? They had too much stamina and grit.

MILITARY TRAINING A DUTY.

Every citizen ought to be a soldier—that is, he owes it as a duty to his country to know how to defend it against attack. That duty is just as essential as serving on a jury or acting as a witness in court to tell the truth and uphold justice. The time to learn the military responsibilities of a good citizen is just before those duties are assumed; in other words, during minority. It is then that the service of the individual can best be spared from the obligations of productive activity. He rarely has marital obligations or marital thoughts before 21; his mind and body are in the creative, formative state, and he is amenable to training, both mental and physical. Military training cultivates the habits of order, precision, regularity, and promptness, and increases efficiency in every task and in every situation with which the citizen may be confronted in civil life.

This Nation will not be worth preserving the moment the insidious poison penetrates the public mind that our Army and Navy are not fit moral fields for the training of our youth. If there is anything wrong with the system in either the Army or the Navy, the remedy is to ascertain and correct the faults. Not, as we are asked to do by this amendment, give encouragement to the slander and practically invite timid parents to draw their boys away from the service, thus choking their ambition and the longing for the sea or military glamor which have constituted the rightful heritage of every red-blooded boy from the beginning of history.

In all earnestness I say to you that if we do not stop this coddling and humoring of the youth of our country we are going to raise up a race of weaklings. We want men in this country, and we should not encourage sentiments that would take ambition and the fire of patriotism and loyalty out of boys who want to go into the Army or the Navy—aye, even against their parents' consent. That consent should not be asked. The country has the right to their service, just as it has the right to the service of their fathers for jury duty. It is a part of the responsibilities of nationhood. We have the right to protect ourselves from without as well as within our borders. We compel children to go to school up to a certain age. The Nation has the right to say when schooling should end and military training should begin; but in any event, however this may be viewed, the perfectly lawful ambition of our American boys to amount to something in the world should not be thwarted by too much solicitude or too much coddling. They ought to be encouraged to do something for their country even in the days of their youth. [Applause.]

Mr. BLANTON. Mr. Chairman, I move to strike out the last two words, merely to get the floor. The gentleman from New York [Mr. GRIFFIN] is awfully willing to vote somebody else's 18-year-old boy into the Army when he would not have his own boy 18 years of age enlist there in peace times for anything. Has the gentleman got any boys under 21?

Mr. OLIVER of New York. I will say to the gentleman——

Mr. BLANTON. Oh, I am not asking the gentleman from New York, Mr. OLIVER, but I am asking the other gentleman from New York, Mr. GRIFFIN, who spoke. Has he any boys under 21 years of age that in peace times he wants to put into the Army? No; he has not; but he wants to get up here and speak about forcing some other man's son under 21 years of age going into the Army. [Applause.] I ask any other gentleman on this floor: Get up here and show me how you look if you have a boy under 21 that you want to go into the Army now, in days of peace.

Mr. SPROUL of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Has the gentleman from Illinois got any?

Mr. SPROUL of Illinois. I have seven grandsons, one of them 14 years of age, and if they want to go into the Army I will help them get there.

Mr. BLANTON. Oh, I am talking to fathers now relative to their own sons. I again submit the question: Is there any Congressman here who has a boy 18 years of age or under 21 that he recommends to go into the Army now, in time of peace?

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ANTHONY. Right here sitting by my side is my colleague the gentleman from Wisconsin [Mr. FREAR], who went into the Army as a boy, and it made a man out of him.

Mr. FREAR. And I am with the gentleman on the other side, Mr. CONNALLY, and am for his amendment, unless this amendment is agreed to.

Mr. BLANTON. Yes; he is.

Mr. FREAR. I know from experience.

Mr. BLANTON. The distinguished gentleman from Wisconsin knows from experience that in peace time the Army is no place for a young boy, and I want to clinch that nail right here. When I asked any Member to get up here and show himself, so that we might see how he looked, if he had a boy 18 years of age that he wanted to go into the Army in peace time, the gentleman from Kansas [Mr. ANTHONY], nearly 7 feet high, who himself did not have any young boys of his own whom he wanted to put in, picked out the distinguished gentleman from Wisconsin [Mr. FREAR] as an exhibit, and said that he was a living example because he went in as a boy; and what did the gentleman from Wisconsin say? Mr. FREAR gets up and says that he does not want any other young boys to go in the Army in peace times, because he had enough when he was in there, and that he is for the Connally amendment. Does not that clinch the proposition?

The law of every State in this Union says that the contract of a boy is not good until he is 21 years of age. The laws permit him to go into the courts and set such contracts aside when he makes a contract of that kind in respect to his civil or property rights when he is under 21 years. Every State in

this Union gives these boys to their parents until they become 21 years of age, and we ought not to take them away for service in the Army during peace time, and the amendment should be adopted.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ANTHONY. Mr. Chairman, in response to the question of the gentleman from Texas [Mr. CONNALLY], for my part I am entirely willing to accept his amendment to my proposed amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas to the amendment offered by the gentleman from Kansas.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now recurs upon the substitute offered by the gentleman from Kansas, as amended.

Mr. DYER. Mr. Chairman, I ask unanimous consent that it may be again reported as amended.

The CHAIRMAN. Without objection, it will be so reported.

There was no objection, and the Clerk read as follows:

Substitute offered by Mr. ANTHONY for the amendment offered by Mr. CONNALLY of Texas: "*Provided*, That hereafter the Secretary of War shall discharge from the Army with the formal discharge certificate and the traveling and other allowances to which his service after enlistment shall entitle him any enlisted man under the age of 21 years on the application of either of his parents or legal guardian, if such enlisted man was enlisted without the written consent of one of his parents or his legal guardian."

Mr. WEFALD. Mr. Chairman, I move to strike out the last word. This is one of the few days during the session of the Congress when the mothers of this Nation have a right to speak through us as their representatives, and I am in favor of this amendment. I am not going to detain you very long, but I have some letters here that I want to read into the RECORD because those letters will show clearer than anything that has been said why so many mothers in this country are in favor of legislation such as will be embodied in this amendment. For one, I am indeed surprised to find that the reactionaries who have been speaking to us here to-day, who want no limitation placed upon enlistments, are men who have not been men enough to raise boys of their own. It is irony to hear such men talk about enfeebling boys and spoiling them; those who have not raised boys of their own have never come in real contact with a boy's soul and can not know which are the critical years in that soul's development. A father knows but the mother knows much better.

I am not here to oppose enlistments. I have raised boys, and if my boy should want to enlist, as far as I am concerned, I shall make no objection, but I know how my wife would feel if he should run away from home before he is 18 or before he is 21 years of age. I have three letters here sent me from a constituent of mine and by the permission of the committee I should like to have the Clerk read them. They will show you why some mothers do not like to have their boys go into the Army and Navy.

The CHAIRMAN. Without objection, the Clerk will read the letters.

There was no objection.

The Clerk read as follows:

———, MINN., *January 9, 1924.*

To Congressman KNUD WEFALD,
Washington, D. C.

DEAR SIR: Am inclosing two letters from a young fellow who ran away from home and finally joined the United States Navy. This young person was always trying to chum with one of my boys, and after I had found these letters I am determined to have his way of living reported. He coaxed my boy away from home last summer, but they missed each other and my boy got work until school opened; the other one went to Great Lakes.

I am surprised that the sailors are allowed such wild times and I am sorry that such immoral men like him and others can hide inside a naval uniform. It is no wonder that boys who come from our good homes and are clean and good will desert the Navy when they are thrown into such companionship. I knew a young man of the finest moral character who voluntarily joined the Navy but who said he would rather be shot than stay, because of the vulgar element that existed. Our country can not afford to allow such things to go on and the sooner it is stopped the better.

Whether a man wears the Army or the Navy uniform he should honor it instead of disgracing it, and that can be stopped when they stop picking up all the trash around the country.

Very sincerely yours,

Mrs. ——— ———.
———, *Minn.*

Mr. WEFALD. The next letter written by a young man in the Navy to the lady's son speaks for itself and shows plainly why this lady is in fear that her son may get away from her and drift into surroundings that she would abhor to think that he was in.

[The Clerk read the letter. It will not appear in the RECORD.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEFALD. Mr. Chairman, I ask for two minutes more in order that the remainder of the second letter may be read.

Mr. ANTHONY. I shall not object to that, but I shall ask that all debate on the amendment and substitute therefor close at the end of that time. Mr. Chairman, I move that all debate close at the end of the time requested by the gentleman.

Mr. MADDEN. Mr. Chairman, I move to strike out the last letter from the RECORD. I do not think it should go in the RECORD.

The CHAIRMAN. The Chair thinks that must be done in the House.

Mr. MADDEN. The last letter ought not to go in the RECORD.

Mr. LAGUARDIA. Take it out.

Mr. MADDEN. I hope the gentleman will ask unanimous consent to take it out.

Mr. WEFALD. I shall be pleased to do so, and I ask leave to revise and extend my remarks.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to revise and extend his remarks and asks to expunge the last letter read. Is there objection?

Mr. MADDEN. I reserve the right to object to the extension until I ascertain whether the gentleman will take this letter out of the RECORD.

The CHAIRMAN. The Chair so stated. The Chair hears none.

Mr. MADDEN. But the gentleman did not state it. I have no objection if that is taken out.

Mr. WEFALD. The while I am a Member of this House I shall always try to conduct myself so that I never shall even violate the spirit of the rules of the House and always keep within the bounds of decency, so if this letter shocks the prudish notions of correctness of anyone here it had better not go into the records, although I am sure that in elite Washingtonian society—from what I have heard—it would cause no woman in decolette costume to blush in the least. In this letter the young man that has enlisted tells his chum at home something about the realization of the adventures that the posters advertising advantage and romance awaiting those who enlist in the Army and Navy so luridly set out.

The mother that sent me the letter has a boy that is yet in school. The Navy lad writes his friend at home, asking him how he likes school; "I hope you like it as well as I like the Navy; if you do, I am sure that you make a better success than I did in school." I am sure that even those gentlemen that are willing to let all the boys in the country, regardless of whether they are only 16 years of age and whether or not they have their parents' consent to enlist, do so, because they themselves have no boys to worry about will admit that a mother like the one that writes me shall at least feel secure that her boy may finish school before he leaves home. If we pass the amendment before us, she can feel sure that her wishes must be respected.

There certainly must be enough of adventuresome boys in this great country who can obtain their parents' consent to enlist, if the military life is such a great life to lead as many people think it is, that mothers who have scruples over their boys going into such surroundings should not be forced to make such a sacrifice in times of peace. I think that neither the Army or Navy should wish to rob the public schools of what justly belongs to them. The representatives of the people in Congress should not throw any halo around either Army or Navy that there is no just ground for. We do not maintain them for either pleasure or glory; they are maintained as fighting machines that you may have to use in time of need; but no mother can contemplate with joy or comfort the thought that her boy is taken away from school in the formative years for both soul and intellect and put into training that will train only the brutal animal fighting instinct, as is clearly shown from a paragraph of another letter from the same lad, where with boyish pride he says:

I am getting much taller and broader and I have to be able to handle me dukes much better than in civilian life; when you are in the Navy it seems as though you just want to fight all the time; some one is always fighting.

Yes; some one is always fighting. Yet I am sure that many much worthier fights in life can be fought by boys whose

mothers have dreamed of greater careers for them than drinking and rushing girls that are strangers to them, enticing as that is for red-blooded boys cut loose from childhood's moorings. I maintain that the State has no right to break a mother's heart.

We have some rules governing discharge on account of minority or dependent family, also a method of discharge by purchase, but when you come to try and help to get some one out of the Army or Navy you find there are so many exceptions to the rule that it is about impossible to effect a discharge. A poor man can not buy a discharge, it can not be obtained until after one year of service—by purchase—and then it will cost all the way from $120 to $170 after one year's service, according to where a person is stationed, running down to $30 to $80 after two years' service. There is hardly a farmer in the Northwest that could afford such an outlay to-day to get a young boy, that had got into the service wrongly, out again. I have got two or three such cases on my hands and it is a hopeless task, but this amendment, if passed, may help some.

We are not now engaged in war. We should now train our young boys for peace. There is no special call for youth now away from school and good home influence. There is no fighting to do now except to clean up corruption in high places and to gather together the remnants of democracy we fought for in the late war. Now is the time that youth should take part in this and not only in the development of the animal in themselves. Let us set no snares in the path of youth.

Mr. OLIVER of New York. Before the gentleman makes his motion may I ask unanimous consent to extend my remarks in the RECORD in favor of this amendment?

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on this bill.

The gentleman from New York [Mr. GRIFFIN] also asks unanimous consent to extend his remarks, also the gentleman from Missouri [Mr. LOZIER]. Is there objection to these requests? [After a pause.] The Chair hears none. Does the gentleman from Kansas desire to make a motion?

Mr. ANTHONY. No.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Kansas offered in the way of a substitute to the original amendment offered by the gentleman from Texas [Mr. CONNALLY].

The question was taken, and the substitute was agreed to.

The CHAIRMAN. The question is upon the original amendment as modified by the substitute.

The question was taken, and the amendment was agreed to.

Mr. BROWNE of New Jersey. Mr. Chairman, I have an amendment to this paragraph in this bill. Is it in order now?

The CHAIRMAN. Yes; the gentleman from New Jersey offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BROWNE of New Jersey: Page 9, line 4, after the figures "$30,338,000," substitute a period for the colon and strike out the word, "*Provided*, That no part of this sum shall be paid to Maj. Charles C. Cresson, United States Army."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. NELSON of Maine, having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, on of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 7449) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, disagreed to by the House of Representatives, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 225. An act to extend the benefits of the United States employees compensation act of September 7, 1916, to Edward N. McCarty.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. BROWNE of New Jersey. Mr. Chairman and members of the committee——

Mr. ANTHONY. Mr. Chairman, there will probably be time asked on this amendment, and I ask unanimous consent——

The CHAIRMAN. Does the gentleman from New Jersey yield; he has the floor?

Mr. BROWNE of New Jersey. I yield.

Mr. ANTHONY. I would like to ask if the gentleman from Kentucky [Mr. JOHNSON] is on the floor; if not, I ask unanimous consent that debate on this amendment offered by the gentleman who now has the floor be limited to one hour, half of that time to be controlled by the gentleman from Kentucky [Mr. JOHNSON] and half of that time by myself.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that debate on this amendment offered by the gentleman from New Jersey be limited to one hour, one-half of that time to be controlled by the gentleman from Kentucky [Mr. JOHNSON] and half by himself. Is there objection?

Mr. MCKEOWN. Mr. Chairman, reserving the right to object, will gentlemen opposed to the proviso be granted time under that arrangement or will gentlemen both in favor of it control time.

Mr. ANTHONY. I will say that the gentleman from Kentucky is in favor of the language in the bill. If I control half of the time I shall grant time to gentlemen who are opposed to the provision in the bill.

Mr. MCKEOWN. I just wanted to know if there was some one who would grant time to those who are opposed to this provision?

Mr. ANTHONY. That would be my purpose, to grant time to those opposed to it.

The CHAIRMAN. Is there objection?

Mr. LAGUARDIA. Mr. Chairman, reserving the right to object, I would like to ask if that includes time on the Hunt proviso?

Mr. ANTHONY. It does not.

Mr. LAGUARDIA. That will be taken up later.

Mr. ANTHONY. Yes.

Mr. JOHNSON of Kentucky. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from Kansas to state his unanimous-consent request. Does it relate to the two propositions, Cresson and Hunt?

Mr. ANTHONY. It only refers to the case of Major Cresson. One hour's debate on the amendment which is now before the committee, half of that time to be controlled by the gentleman from Kentucky in favor of the language of the bill and half to be controlled by myself, opposed to it.

Mr. JOHNSON of Kentucky. Then what would be the limit of debate on the matter almost similar, that of Hunt, which comes later?

Mr. ANTHONY. I propose when we reach that to ask time for debate with a similar limit of one hour.

Mr. JOHNSON of Kentucky. Why not make the request now?

Mr. HASTINGS. Will the gentleman yield to me?

Mr. ANTHONY. I have not time——

Mr. HASTINGS. Reserving the right to object, Mr. Chairman, it seems to me this is too long a time. Here we have under consideration a great appropriation bill. A few days ago we had under consideration the adjusted compensation bill which affected some four million six hundred thousand or seven hundred thousand ex-service men. We were allowed 20 minutes on a side to discuss that adjusted compensation bill, yet we will be taking up the time of this House for two hours to discuss this question. It seems to me that people ought to be able to understand it without that much discussion.

A MEMBER. Regular order!

Mr. HASTINGS. Then I object. I was about through. If we can not have a little courtesy here, we will have the regular order all right.

The CHAIRMAN. The gentleman from New Jersey [Mr. BROWNE] is recognized.

Mr. BROWNE of New Jersey. Mr. Chairman, it seems to me that this provision in the appropriation bill is unusual, if not unique, in that it discriminates against an officer of the United States Army, against whom no charges have been preferred and who is not under indictment or upon trial for any cause.

I have known personally Maj. Charles C. Cresson for upward of 30 years, and during that time I have never heard his character assailed nor his integrity questioned. The purpose of this provision of the bill, which I ask removed, is not stated in the bill, but I am informed that it is to have this major's pay cut off on account of supposed laxity in the prosecution of a court-martial in which he was judge advocate. It would serve no purpose to discuss here the procedures in this particular court-martial; it is probable that no trial is ever conducted to the satisfaction of all parties concerned or of those who inject their interest later.

I am not sufficiently advised of the jurisdiction of the House of Representatives, but it seems to me to be a dangerous precedent for the Congress to "expropriate" the pay of a public

servant, whether in the Army or Navy or any other department, because certain persons are not satisfied with a specific performance of duty.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. BROWNE of New Jersey. In a moment.

Major Cresson should either be in the Army with full pay or out of it with no pay. [Applause.] It seems to me to be a remarkable, if not an undignified, procedure for this House to acknowledge the right of this officer to remain in the Army and then attempt to render his position untenable by passing a bill specifically denying him his proper pay. [Applause.] For this reason I offer this amendment.

Mr. McKEOWN. Has any measure or any bill been introduced in the Congress to recommend some kind of a trial or to make some charge against this man?

Mr. BROWNE of New Jersey. I have not heard of any. I have not heard that Major Cresson is charged with anything at all.

Mr. McKEOWN. Does the gentleman know whether legislation is contemplated to take action of this kind?

Mr. BROWNE of New Jersey. No. I am sure there is not.

Mr. BOYLAN. Mr. Chairman, will the gentleman yield?

Mr. BROWNE of New Jersey. Yes.

Mr. BOYLAN. I will ask the gentleman from New Jersey if he is defending Major Cresson for any personal or political reasons?

Mr. BROWNE of New Jersey. I will say to the gentleman from New York—and I will apologize to the House in that I do not consider myself as partisan as is traditional or customary here—I do not know the political affiliations of Major Cresson, nor do I care. Of course, the matter was brought to my attention on account of my personal friendship for Major Cresson, but I am not defending him for that reason.

As a matter of fact, I am not defending him at all, because there is no charge made against him. What I am attempting to do is to prevent the House from assuming a ridiculous position in acknowledging that an officer is entitled to his commission but not to his pay.

I yield to the gentleman from New York [Mr. STENGLE] the remainder of my time.

The CHAIRMAN. The time is not in the gentleman's control. It is in the control of the gentleman from Kansas [Mr. ANTHONY] and the gentleman from Kentucky [Mr. JOHNSON].

Mr. DYER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DYER. Do I understand the Chair to state that there was an agreement as to the allotment of time? I understand some one objected.

The CHAIRMAN. The Chair stands corrected. The gentleman from New Jersey has one minute remaining.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. BROWNE of New Jersey. Yes.

Mr. McKENZIE. We have heard a good deal this morning about legislation by limitation. Is not this an attempt to legislate by confiscation?

Mr. BROWNE of New Jersey. I think this is an attempt to condemn a gentleman who has not been heard, who has no accusation lodged against him, and who is not under trial.

Mr. NEWTON of Minnesota. Without a trial of any kind.

Mr. BROWNE of New Jersey. Yes. Mr. Chairman, I ask unanimous consent to revise and extend or curtail my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. STENGLE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. STENGLE. Mr. Chairman and colleagues, the personality of Major Cresson has nothing whatever to do with what I am about to say, for I have no personal acquaintance with the gentleman and know nothing about his antecedents, and have nothing to say concerning the Army record or his connection with the Bergdoll case or any other case. But to my mind there is involved in this particular amendment and the paragraph to which it has been offered a principle that is more important than Major Cresson [applause]; a principle that is more important to this House and to the people of this country than the Bergdoll case; a principle which, if enacted into law, would open wide the door of opportunity to strike from the appropriations of this Congress any individual in any department, in any position under the Government, who happened per se not to meet with the favor of some particular committee of this House. It is for that reason largely, if not alone, that I have asked for a few minutes of your time in which to ask you to discuss among yourselves and to decide a principle for yourselves, not the guilt or innocence of Major Cresson, who, if he be guilty of any charge whatever, is amenable to a court-martial in the War Department and not amenable to this House directly. The principle involved is that we may here and now by voice and vote strike from the pay roll of the Army or the Navy or the Supreme Court—yes, or this very House—any individual who happens not to meet with our approval because of something that happened that we do not like. It is for this reason that I have risen to ask you to join with me in support of this amendment, to strike out these things, and make our appropriation bills what they ought to be, and what the chairman this morning contended so strenuously they must be, and that is the appropriation of funds for specific purposes, and not the slaughter of a major in the Army for personal reasons. [Applause.]

Mr. Chairman, I ask permission to insert as a part of my remarks a letter which has been addressed to me by Mr. Hiram C. Todd, of New York City, who is a "buddy" of Major Cresson.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. JOHNSON of Kentucky. As it seems to be the deliberate purpose of this House not to punish a betrayal of the flag of the Nation, I object.

Mr. STENGLE. Mr. Chairman, if I have the time, I will read it into the RECORD.

The CHAIRMAN. The gentleman has one minute remaining.

Mr. STENGLE (reading)—

As a friend and comrade of Maj. Charles C. Cresson I address you. We served together in the Thirteenth Division during the World War, and I write this letter with the heart-deep desire to help right a grievous wrong that has been done to my "buddy." This is not a request for political aid but an appeal for fair treatment of a soldier who has served his country so well as to deserve the praise of Congress instead of its censure.

Cresson, who is still in the service as a major—judge advocate—has been treated outrageously by a provision in the Army appropriation bill stopping his pay. I am informed that this objectionable provision was placed in the bill by Congressman BEN JOHNSON, who was the author of a majority report by the Bergdoll investigating committee. This report charges Cresson with willfully failing, as trial judge advocate, to properly conduct the prosecution of Col. J. E. Hunt before an Army court-martial, Colonel Hunt having been charged with neglect of duty in failing to take proper precautions against the escape of Bergdoll, the notorious draft evader.

And, gentlemen, without taking further time to read, attached hereto is the copy of a letter from Major General Bullard, who——

Mr. JOHNSON of Kentucky. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Kentucky. My point of order is that the time of the gentleman has expired.

The CHAIRMAN. The point of order is overruled.

Mr. STENGLE. Attached to this letter is a copy of a letter from Maj. Gen. R. L. Bullard, of New York, which supports the statements contained in the letter of Hiram C. Todd. [Applause.]

The CHAIRMAN. The gentleman from Texas [Mr. WURZBACH] is recognized.

Mr. WURZBACH. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD.

Mr. JOHNSON of Kentucky. I object. If the other side of this question can not be heard, I must object to the presentation of only one side.

Mr. WURZBACH. I want to state that when I discussed this proviso last Saturday under general debate it was understood, and so stated on the floor of this House, that I would be given 20 minutes to discuss it under the 5-minute rule.

Mr. HASTINGS. Will the gentleman yield in order that I may explain the objection I urged. I objected a while ago because I was objected to over on the other side. I have no objection myself to any reasonable length of time, and I did not know what the matter was until a few minutes ago.

Mr. WURZBACH. I was in great hopes that I would be permitted to give Charlie Cresson—and I love to refer to him as "Charlie" rather than as Maj. Charles C. Cresson—the one opportunity which is presented to-day to give him a fair defense against the charges that were made in the report that was prepared by the gentleman from Kentucky [Mr. JOHNSON], and I think in all fairness this committee ought to permit a fair presentation of his case.

Charlie Cresson volunteered in the World War; he offered his services "to make the world safe for democracy," and the Appropriations Committee, and now this committee, proposes to take away from him—one of these volunteers, a soldier of this great Republic in the last war—the very privilege which our own democracy affords the humblest citizen in this land. You are proposing to take away from him, under this proviso, his right to the salary to which he is entitled under the law, you are proposing to put a stain upon his good name, and this without the pretense of ever having permitted him any sort of trial or hearing.

There has never been in the history of this country, from the beginning until now, so revolutionary a proposition presented as is presented in this proviso. Why, gentlemen on the Republican side, myself included, have criticized the investigations which are being held on the Senate side of the Capitol, claiming that matters are investigated that ought not to be investigated.

Mr. DYER. Will the gentleman yield?

Mr. WURZBACH. I can not. But we find that it is being now proposed to take away from a World War volunteer, now in the service of the United States, his right to be heard in his own defense. The investigation committees of the Senate do not go so far as to deny a man the right to appear and testify in his own behalf, but in this particular case Charles C. Cresson has had no chance to appear before the congressional committees of the House in 1921, and has had no opportunity to appear before the Appropriations Committee or any subcommittee thereof.

Mr. Chairman, I wanted to supplement to-day the remarks I made on last Saturday. Of course, I know it will be impossible for me to do that if an objection is made to the unanimous-consent request I am going to make. I could not possibly go into it in the short time available under the five-minute rule, but I hope, and I think I have the right to expect, that under the peculiar circumstances surrounding this case time will be granted me to present at least a partial defense of Maj. Charles C. Cresson.

I make the statement, and I will support it if I am given as much as 20 minutes to-day, that the report which was filed in this House by the congressional committee in 1921 is not supported by the court-martial proceedings.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WURZBACH. Mr. Chairman, I ask unanimous consent to proceed for 20 minutes.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent that my colleague may proceed for 15 minutes.

Mr. JOHNSON of Kentucky. I object, Mr. Chairman.

Mr. TUCKER. Mr. Chairman——

Mr. WURZBACH. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. JOHNSON of Kentucky. I object.

Mr. GRIFFIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRIFFIN. I would like to ascertain the legislative situation which prevents the coupling of the request of the gentleman from Texas with a similar request of the gentleman from Kentucky. The gentleman from Kentucky charges he has been unable to present his side, and I suggest that as much time as each of them may require be granted to them by the committee.

Mr. WURZBACH. Will the gentleman yield to me?

Mr. GRIFFIN. Yes.

Mr. WURZBACH. The gentleman from Kentucky came over to my side of the floor a short while ago and suggested that each one of us have 20 minutes' time.

Mr. JOHNSON of Kentucky. The gentleman is mistaken about that, because the agreement had been all along that I was to have an hour.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WURZBACH. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes.

Mr. BANKHEAD. Mr. Chairman, I want to prefer a unanimous-consent request.

The CHAIRMAN. The gentleman from Texas [Mr. WURZBACH] was seeking to propound a unanimous-consent request.

Mr. BANKHEAD. I understood it had been objected to.

Mr. WURZBACH. I ask unanimous-consent, Mr. Chairman, to proceed for five minutes.

Mr. JOHNSON of Kentucky. I object.

The CHAIRMAN. The gentleman from Virginia is recognized.

Mr. HILL of Maryland. Mr. Chairman, I ask recognition.

The CHAIRMAN. The gentleman from Virginia has been recognized.

Mr. TUCKER. Mr. Chairman and gentlemen, I know nothing in the world about this case or about this officer. I do not know his name, but this is certainly one of the most remarkable propositions, I think, that ever was presented to this House. The legislative power of this Congress, Mr. Chairman, is practically unlimited, and yet there is a limitation upon it, for the Constitution declares that no bill of attainder shall be passed.

Mr. BLANTON. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DYER. Mr. Chairman, I make the point of order that the gentleman can not be taken off of the floor in that way.

Mr. BLANTON. I am going to make a proper point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BLANTON. I make the point of order, Mr. Chairman, that under the rules of debate which govern this committee on every proposition those both for and against the proposition are entitled to recognition. This is the fourth gentleman who has been recognized successively by the Chair, the gentleman from New Jersey [Mr. BROWNE], the gentleman from New York [Mr. STENGLE], the gentleman from Texas [Mr. WURZBACH], and the gentleman from Virginia [Mr. TUCKER].

The CHAIRMAN. That is not a proper point of order and the Chair will state that anyone seeking recognition who indicates that he wishes to speak in opposition to the preceding speaker will get the preference from the Chair.

Mr. BLANTON. There have been several of us——

The CHAIRMAN. No such person has arisen.

Mr. TUCKER. Mr. Chairman, I am perfectly willing to yield the floor until a later hour, because I am really anxious to know upon what ground this proposition can be maintained.

The Constitution declares specifically that no bill of attainder can be passed. What is a bill of attainder? It is a legislative act prescribing punishment without judicial trial. [Applause.] This man may be as guilty as Judas Iscariot, but he is entitled to a trial. Why, gentlemen, the hornbooks teach this doctrine so plainly and simply that I really was anxious to have this matter discussed on the other side before I appeared.

This is no new proposition. The two old cases of Ex parte Garland and Cummings against Missouri, both in fourth Wallace, United States Report, followed by innumerable cases, hold that you can not by a legislative act punish a man without a judicial trial.

Gentlemen sometimes wonder why we have a Constitution, and laugh at it. Thank God, we have written that principle in the Constitution of my country. [Applause.]

When the Civil War was over, and the passions of men ran high, Augustus H. Garland appeared before the Supreme Court to practice law, and they would not allow him because Congress in those days had passed a law that no man who would not or could not come forward and swear that he had sympathized with the Government and had taken no part in the rebellion, so called, could practice law. What did that great tribunal say? It is one of the things that gives me a great opinion of that court that in those days, when reason was dethroned by reason of passions that grew out of that war, they said, in effect, "Come along, Augustus, that is a bill of attainder; that is punishing you by taking away from you the right to make a living by practicing law. It can not be done without giving you a trial."

And a good old Baptist preacher out in Missouri named Cummings wanted to continue to convert those wicked people in Missouri, after the war, and they said he could not do it unless he could swear that he had not sympathized with the rebellion during the war. Just think of how far we had gone in those days. What did the court say? It said in effect, "When you take away from Brother Cummings the right to convert the wicked Missourians, you are punishing him, and you can not do it." [Laughter and prolonged applause.]

Mr. DYER. Mr. Chairman——

Mr. TUCKER. Yes; you are the very man he was after. I wish he had had a chance at you and we would not have had these Dyer bills up here. [Laughter and applause.]

Mr. Chairman, I did not rise to go into this discussion but merely to call attention to a primary, fundamental principle that every boy down in Virginia knows, and if such a provision were to go through this House as this is, it would be worthy of the Fiji Islands and not of free America. [Prolonged applause.]

Mr. FISHER. Mr. Chairman and gentlemen of the committee——

The CHAIRMAN. Does the gentleman from Kentucky desire recognition?

Mr. JOHNSON of Kentucky. Let him go ahead.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. FISHER. Mr. Chairman and gentlemen of the committee, I am opposed to the two provisions which the committee has presented to this committee and to the House to cut off the pay of two Army officers, one a man in active service to-day with an efficient record and with a superior officer ready to say that Maj. Charles C. Cresson is to-day and has been since he has been under him a very superior officer. I also wish to speak of Col. John E. Hunt, who had been for many years a prison officer of the Army. There came a time when there were charges lodged against him as to his handling of a slacker named Grover Bergdoll, and Major Cresson was the officer designated to be the prosecuting officer when the court-martial was ordered by the War Department. It was not a voluntary service by Major Cresson.

I do not know Major Cresson and have never seen him, nor have I ever seen or met Colonel Hunt, but I have made inquiries about both of those officers from the records of the War Department. The Appropriations Committee have given us nothing in the hearings as to the record of these two officers and the reason why they wrote such radical provisions. It is such an unusual procedure to have provisions cutting off the pay of these two officers, one in active service and the other on the retired list, that it is beyond comprehension. Congress passed the law where an officer has served a certain time, becomes disabled, or reaches a certain age he is retired, and Colonel Hunt was regularly retired and is drawing his pay under that law. I have not had an opportunity of giving a careful study to the entire record in the Colonel Hunt court-martial, but I take the word of General Bullard, who served with such great distinction in France as a lieutenant general of our Army, and he says that he has gone over the entire record in this case and that Major Cresson's record as a prosecutor officer was fine and that the case was properly presented and no fault was found.

I hold in my hand a letter from a friend of mine, an officer who has known Major Cresson for years, and he says that he has read every line of the court-martial record, studied it, and he is in the Judge Advocate's office, and he says that the prosecution by Major Cresson was conducted all right. He also states that Major Cresson is an efficient officer and a gentleman.

Why should these officers be punished in this way without receiving notice, by cutting off their pay which we have voted that they should receive, all without being given a hearing? It would be establishing a precedent for future Congresses which would be indefensible and deplorable. Why should you pick out two officers and disgrace them in a bill in this way, cutting off their pay without giving them an opportunity to be heard? I want to say that it is a dangerous precedent. If this procedure is accepted, other officers might be selected. I want the committee to-day to vote against and stop such a method of procedure. We have appropriated the pay for these two officers; and if they are unworthy, a court-martial can determine it. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, it was understood in advance that about 200 Members of this House who knew nothing of this question should have an opportunity to be advised about it. That tentative agreement has been violated. There is now no chance for these 200 men, called upon to vote on this question, to know about what they are to vote on. It is impossible in five minutes to tell this House of one of the ugliest betrayals of the American flag that has ever been brought upon it.

Mr. WURZBACH. Will the gentleman yield?

Mr. JOHNSON of Kentucky. No; I will not. I heard the remarks of the gentleman from Texas, who wants to take part of my five minutes' time, and one of the letters which he has used as coming from General Bullard is a forgery. General Bullard himself is authority for the statement that he has issued but one letter. It is a statement gotten under the most peculiar circumstances, not by Major Cresson but by another whom I shall not discuss. One statement purporting to come from General Bullard is used to influence this House, and another statement pretending to come from General Bullard is used to influence the American Legion, and have them indorse this traitor to our country when he has imposed upon either the House or upon the Legion with a forgery. If men do not want to hear of one of the ugliest crimes ever committed, to say nothing of Benedict Arnold himself, then you will vote without knowledge, and when you have done it you will have acted without knowledge; you will have acted without information on this case, and you will have served not only one traitor but two.

There is no place where these traitors can be discussed, where they can receive what they are entitled to receive, except here, and here the gag rule has been applied, and from this minute I shall see that nobody undertakes to defend these traitors beyond the five-minute rule.

Mr. ROGERS of Massachusetts. Mr. Chairman, I do not know to what particular letter of General Bullard the gentleman from Kentucky [Mr. JOHNSON], who has just concluded, refers. I should like to call to the attention of the House a letter from General Bullard on this very subject which has just been officially transmitted to me. The Bullard letter was written within the last 10 or 12 days. It accompanies a letter from the Secretary of War, dated March 24, in which the Secretary says:

Major Cresson was trial judge advocate of the general court-martial before which Colonel Hunt was brought to trial. As far as I have been able to ascertain, his conduct of the prosecution has never been officially criticized by any of his military superiors on the ground that he failed properly to perform his duties as trial judge advocate. On the contrary, Major General Bullard, who appointed the court and reviewed the proceedings; Maj. Allen W. Gullion, Judge Advocate General's Department, General Bullard's staff judge advocate; Lieut. Col. John L. Bond, Infantry, a spectator at Colonel Hunt's trial; and Maj. Thomas L. Heffernan, judge advocate, Officers' Reserve Corps, counsel for Colonel Hunt, are on record to the effect that Major Cresson did his full duty in the prosecution of Colonel Hunt. Copies of written statements, dated March 14, 1924, by Major Heffernan, Lieutenant Colonel Bond, Major Gullion, and General Bullard are inclosed herewith. It seems to me that before legislation of the nature of the above-mentioned provision relating to Major Cresson is enacted he should be afforded an opportunity to be heard in person before the committee charged with the duty of reporting upon the legislative project which contains that provision.

Next I want to read the inclosure from General Bullard, because it is the last word in point of time at least from the commanding general of the area in which this unfortunate occurrence took place:

HEADQUARTERS SECOND CORPS AREA,
Governors Island, N. Y., March 14, 1924.

To The ADJUTANT GENERAL,
War Department, Washington, D. C.:

1. The accompanying papers are forwarded to you for use in case the War Department desires to make before Congress any statement concerning Maj. Charles C. Cresson, Judge Advocate General's Department, whose pay has, I understand, been recommended to be held up in a bill reported from the House Military Committee to the House.

2. As commanding general of the Eastern Department at the time of the trial of Colonel Hunt, I remember Major Cresson's prosecution of the case. His duty was properly done. He was reported to me at the time as somewhat overanxious to secure a conviction.

R. L. BULLARD,
Major General, U. S. A.

Now, gentlemen, as the gentleman from Virginia [Mr. TUCKER] has so very eloquently and truly said, this question is a question of principle. The question of fact is subordinate and secondary. But the farther one goes into the question of fact—and I have gone into it with thoroughness—the more convinced one becomes that Major Cresson was an efficient fighter for the cause of justice and that, if possible, he had an undue hatred of Bergdoll and all the Bergdoll tribe and associates.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Massachusetts. Yes.

Mr. WURZBACH. There was only one letter from General Bullard inserted in the RECORD, which I inserted myself, and it is, in substance, the same as the letter which the gentleman from Massachusetts has just read. If that is a forgery, then the letter referred to by the gentleman from Massachusetts is also a forgery.

Mr. BLANTON. Mr. Chairman, if the Government had no more fairness in the trial of Hunt than has been exhibited here on the floor in this debate, I am not surprised that Hunt was acquitted, because 30 minutes have been used for the amendment, and up to this time only 5 minutes have been allowed against it; and with my 5 minutes it will make 10. Of course, neither this House nor the Congress can keep the pay from this officer ultimately. This provision is merely to force a court-martial trial. Everyone realizes that, and I would not vote to withhold his pay permanently, but I take it that this committee has used this provision just as an admonition to

the War Department that they ought to do something and the Congress is expecting them to do something relative to inaugurating a court-martial proceeding. Of course, if nothing is done and no action is taken against this man, ultimately his pay will have to be given to him. Everyone realizes that.

This man, Major Cresson, prosecuted Hunt, who let Bergdoll escape, and everybody knows it; and after Major Cresson allowed Hunt to escape justice my friend from Tennessee [Mr. FISHER] puts a crown on his head and calls him not Cresson but Major Cre-ssonn. That is the reward that he gives him. I think this record is unanswerable. Everybody knows that Bergdoll did escape. Everybody knows that the Army permitted him to leave the penitentiary, where he rightly belonged, and go out hunting gold buried down here near Washington—such monkey business as that—and that his escape was premeditated, and that he escaped and perverted justice and went to Germany, and has escaped the law ever since. Major Cresson apologized for prosecuting Hunt. If you will read the beginning of his speech, you will see that he apologizes at the very outset.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I want to commend the distinguished chairman of this committee for letting this provision go into his bill.

Mr. ANTHONY. Oh, do not commend me at all. It was put in over my head.

Mr. BLANTON. Then I want to commend the gentleman for presiding over a subcommittee that had enough wisdom and enough courage to vote a matter over his head and put into the bill something that would call the attention of the War Department to a probable court-martial that ought to take place.

Mr. DICKINSON of Iowa. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I wish it had not expired, because I would like to yield to the gentleman from Iowa.

Mr. DICKINSON of Iowa. The subcommittee voted it down.

Mr. BLANTON. But the Appropriations Committee of this House forced it to go into the bill.

Mr. BOYCE. Mr. Chairman, I want to say only a word. Assuming that all that the distinguished gentleman from Kentucky [Mr. JOHNSON] has said be true, the proviso in the bill under consideration is unthinkable. [Applause.] It strikes down a vital principle which I do not believe the members of the committee will stand for.

Mr. SIMMONS. Mr. Chairman, I have been listening to this debate with mingled emotions, first, because within the last few days the newspapers have carried the story that one Grover Cleveland Bergdoll, arch traitor to his country, had the effrontery to attempt to negotiate with the United States for his return to America. So far as he is concerned, let him come back unconditionally and submit himself to the punishment that is due him under American law as administered by American courts, or let him stay without our borders, a creature without honor, a being without sense of shame, a man without a country.

As to Major Cresson. On the 29th of September, 1921, he came before a convention of the American Legion in Nebraska, over which it was my privilege to preside, and told the service men of Nebraska the story of Bergdoll, of his trial, of his punishment, of his escape, of the trial of Colonel Hunt. You men can not go to Nebraska to those service men who know Major Cresson and tell them that he has betrayed the American flag or is a traitor to the uniform that he wears. [Applause.]

We know Major Cresson to be a brilliant lawyer. We know him to be a soldier of distinction, a citizen of America of quality, and as such he is entitled to go before a tribunal where he has the right guaranteed by the Constitution to every American citizen of a fair trial, a fair hearing, and a chance to be heard and confront his accusers. It is only right that those of us who were his comrades in the late war ask that he be granted this privilege, that he be given this right of an American citizen. There are those of us who have no fear as to the outcome, no misgivings as to what might be the result of a trial of that character, or as to Major Cresson's loyalty or patriotism in anything that has been said or anything that has been done.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. SIMMONS. Yes.

Mr. WURZBACH. Is it not a fact that Maj. J. C. Cresson as an emergency officer prosecuted and convicted Grover C. Bergdoll, then prosecuted and convicted Irvin Bergdoll in a military court, that thereafter he followed the rest of the Bergdolls, Mrs. Emma Bergdoll Brown, and in fact all of the Bergdoll clan into the Federal courts of the United States at his own time and at his own expense and helped to secure their conviction also.

Mr. SIMMONS. My understanding is that the conviction of the whole Bergdoll tribe and their accessories is largely due to the untiring efforts, the ability, the loyalty, the high standing and character of Major Cresson. [Applause.]

Mr. DICKINSON of Iowa. Mr. Chairman, I do not pose here as one knowing anything about the facts in this case, but it is my contention that this item is out of place in an appropriation bill and I am heartily in favor, as a member of the subcommittee, of the motion to strike it out of the bill. I think it is out of place here and that we should not attempt to do this sort of thing on an appropriation bill, as that is not our function.

Mr. RUBEY. Will the gentleman yield?

Mr. DICKINSON of Iowa. I will.

Mr. RUBEY. I notice this language in the bill to which an amendment has been made to strike out. Before language can get into a bill it must be placed there by the committee?

Mr. DICKINSON of Iowa. Yes, sir.

Mr. RUBEY. Was this indorsed by the committee?

Mr. DICKINSON of Iowa. The subcommittee did not indorse it, but the whole committee put this proviso in the bill.

Mr. RUBEY. And now the whole committee, except two or three, want to strike it out?

Mr. DICKINSON of Iowa. I could not tell the gentleman except as to myself. I am against the language being in the bill.

Mr. RANKIN. Mr. Chairman, I want to ask the gentleman from Kentucky [Mr. JOHNSON] a question or two in order that I may know how to vote on this proposition. As a matter of fact it looks now as though Bergdoll is preparing to return to the United States. I do not know what the inducement is, but it seems to me somebody has been flagrantly negligent. I understand that about two years ago some one broke into the office of the gentleman from Kentucky [Mr. JOHNSON] and stole evidence in this case.

Mr. JOHNSON of Kentucky. Much of it.

Mr. RANKIN. That is, a good deal of the evidence and possibly a sufficient amount to take care of the defense when Bergdoll returns to the United States, as he no doubt will do, according to the press reports. I desire to ask the gentleman from Kentucky if Major Cresson came before the Committee on Appropriations and offered to testify; and if so, what his testimony in reference to this matter was?

Mr. JOHNSON of Kentucky. Major Cresson did not come before the committee, and as I explained the other day I advocated his coming before the committee, and so did the majority of the committee, and I will say the chairman of the committee refused to execute orders of the committee in some respects, and several times he refused to put to a vote of the committee motions made by members of the committee. Now, I have in my hand an excerpt from a letter written only a few days ago by the chairman of the committee that shows where rests the responsibility for Major Cresson not appearing before the committee. Maj. John A. Peters, who was chairman of that subcommittee, wrote only a few days ago to this effect:

> If I had dreamed that any action involving punishment to Major Cresson would follow the proceedings of our committee and as a result from any report from it I certainly never would have denied his repeated requests to me by telegraph to be permitted to be heard.

Who is responsible for his not coming? The very man and his followers undertaking to defend him. If he had appeared before that committee, he would have had to plead and admit his guilt.

Mr. REECE. Will the gentleman permit me to make this statement?

Mr. RANKIN. I will yield for a question if the gentleman wants to ask one, but I can not yield for a speech.

I have not taken much stock in this Bergdoll propaganda that some people have flooded the country with, but it seems to me that if Major Cresson had wanted to prove his innocence it would have been more in line with common reason to have come before this committee than before the officials of the American Legion.

Mr. WURZBACH. Will the gentleman yield? I just want to read one short sentence——

Mr. RANKIN. I must decline to yield.

Mr. WURZBACH. I merely want to put this in the form——

Mr. RANKIN. I do not care to hear matter read.

Mr. MONTAGUE. Will the gentleman yield? What tribunal would convict Major Cresson?

Mr. RANKIN. That is the very point.

Mr. MONTAGUE. Then, what power has this House to convict him?

Mr. RANKIN. This House has the same power over Major Cresson it had over Mr. Chase or any other employee of this Government who violates a trust reposed in him by the United States Government. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I have made a study of the evidence and two reports of the committee which investigated the Bergdoll escape. I am familiar with the evidence before that committee and its reports. There is one thing on which every member of that committee agreed, and that is the culpability of Maj. (now Col.) John E. Hunt; that he should have been convicted. The testimony warrants his conviction by the court-martial. It can not be reconciled with innocence. Now, in respect to the particular question of Colonel Cresson which is before us, from my examination of this record I believe that Major Cresson was thoroughly justified in everything he did and said before the court-martial. He was not as vigorous in the prosecution of Hunt as he had been in the prosecution of the Bergdolls. Why? Because General Bullard had issued an order criticizing him because of his unusual vigor and zeal in the other trials. Mr. Chairman and gentlemen, I have served as judge advocate and on court-martials and I have appeared for the defense, and I know something of the influence that a commanding officer exerts upon members of the court and officers who conduct trials.

I believe that General Bullard, in writing that letter, felt that he was justified because of the great zeal shown by Major Cresson in conducting the prosecution of the Bergdolls; but I do believe that Major Cresson, though he may have abated his ardor somewhat, conducted this trial of Hunt honestly for the purpose of securing his conviction, and of securing his conviction on the charge of which he was undoubtedly guilty, of gross and inexcusable negligence which permitted this man Bergdoll to escape. The offense was in disregarding the advice and warning of his superiors and in allowing these noncommissioned officers to go out with Bergdoll without a commissioned officer in charge of them and without proper instructions and by denying the handcuffs that were asked for by one of the sergeants to be put on Bergdoll. I do believe this House is justified in withholding an appropriation from every unworthy person. This House in exercising that undoubted power must act wisely and cautiously; and I can not agree that we ought in this instance to withhold the pay of Major Cresson, because I believe he was innocent. [Applause.]

Mr. FROTHINGHAM. Mr. Chairman, just a word from the other side. This is a letter from the chairman of the committee, ex-Congressman Peters, in which he says:

> Major Cresson wired me repeatedly asking me to allow him to be heard before the committee; but the committee did not permit him to be heard, for the reason, as I stated, that it was no part of our duty to hear him.

Mr. FITZGERALD. That was the investigating committee, not the Committee on Appropriations?

Mr. FROTHINGHAM. Yes.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WURZBACH. Mr. Chairman, I ask for a rising vote.

Mr. BLANTON. Mr. Chairman, I will ask for a rising vote.

The CHAIRMAN. That is unknown to the Chair.

Mr. BLANTON. I ask for a division. I think I am right.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 158, noes 10.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> For aviation increase to commissioned and warrant officers of the Army, $1,000,000.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. LAGUARDIA. I want to ask the chairman of the committee a question. Is this provision on lines 8 and 9 flying pay for men and officers?

Mr. ANTHONY. It is for aviation increase for commissioned and warrant officers. The word "increase" shows that it is flying pay—an increase over their regular salary.

Mr. LAGUARDIA. Mr. Chairman, I desire to offer an amendment after the word "increase" by inserting the words "for flying pay," so that there will be no mistake about it. That is on line 8.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. LAGUARDIA: Page 9, line 8, after the word "increase" insert the words "for flying pay."

Mr. ANTHONY. Mr. Chairman, I do not think that is necessary.

Mr. LAGUARDIA. I remember in the Sixty-fifth Congress and Sixty-sixth Congress I had the same trouble here. We appropriated money in an appropriation bill, and it did not go to the flying officers. When we increase the pay of flying officers we should see that it is fixed specifically in the law. I do not want it to go to the Artillery or Cavalry officers.

Mr. ANTHONY. This language has been carried for several years, and I do not think the slightest question has ever come up. The item is for flying pay.

Mr. LAGUARDIA. Then I have the gentleman's assurance that the intent is to increase the pay for flying officers?

Mr. ANTHONY. Yes.

Mr. LAGUARDIA. I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> For additional pay to officers for length of service, $5,374,830.

Mr. BLACK of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. BLACK of Texas: Page 9, line 11, after the figures "$5,374,830," strike out the period, insert a colon, and add the following language: "*Provided*, That nothing contained in section 11 of the act entitled 'An act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service,' approved May 18, 1920, shall be construed as having repealed, amended, or modified the provision contained in the Army appropriation act approved August 24, 1912 (37 Stat. 594), reading as follows: 'That hereafter the service of a cadet who may hereafter be appointed to the United States Military Academy or to the Naval Academy shall not be counted in computing for any purpose the length of service of any officer of the Army.'"

Mr. ANTHONY. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Kansas reserves a point of order.

Mr. LAGUARDIA. I make the point of order.

Mr. BLACK of Texas. What is the gentleman's point of order? I would like to know what it is.

Mr. LAGUARDIA. It is not germane, and it is legislation changing existing law.

Mr. BLACK of Texas. Mr. Chairman, it is legislation in the sense that it would prevent the repeal of a law enacted by Congress in 1912 by a recent decision of the Court of Claims, but it is legislation that is in order under clause 2 of Rule XXI, known as the Holman rule.

If the Chair will permit, the purpose of this amendment is to cure a situation which has arisen by reason of a decision made by the Court of Claims with reference to Army officers' longevity pay. It is in the nature of the amendment that we adopted to the naval appropriation bill a few days ago. I do not see, in the first place, why the gentleman makes the point of order. It would certainly be illogical for Congress to apply one yardstick to naval officers and refuse to apply it to Army officers.

Mr. LAGUARDIA. The point of order was not raised there?

Mr. BLACK of Texas. No; it was not raised on the naval appropriation bill. Of course it was not. The amendment is not subject to a point of order. But I will proceed to a discussion of the point of order, which the gentleman from New York insists upon. Now, what is the situation? In 1912 Congress, by a provision in the Army appropriation act of that year, provided that service in the Military Academy and the Naval Academy should not be counted as Army service for longevity pay. In 1920 Congress had what is known as the bonus bill, by which temporary salary increases were given to the Army, to the Navy, the Marine Corps, the Coast Guard, and other branches of the service. There was a provision in that bill which the Court of Claims has construed as repealing the provision in the Army appropriation bill of 1912, and for two years—namely, 1920 and 1921—graduates of the Military Academy and graduates of the Naval Academy have had the right to include their four years' term of service in those academies as part of their military service. At least such is the construction of the Court of Claims.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. LAGUARDIA. And the gentleman's amendment would tend to take that right away from them?

Mr. BLACK of Texas. Absolutely, and thereby reduce expenditures and thus bring the amendment within the Holman rule. That is the contention I make.

Now, let us read clause 2 of Rule XXI:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Now, as to the germaneness of this amendment, the Chair will observe that this is a provision providing appropriations for additional pay for officers on account of length of service. The very purpose of the amendment I have offered is to prevent their term of service in the Military Academy and in the Naval Academy from counting on their longevity pay. That certainly would be germane.

What is the other purpose? The other purpose is to reduce the compensation of those particular officers by preventing the counting of this period of service in the Military Academy and the Naval Academy—prohibiting the counting of that as a part of their longevity service.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. LAGUARDIA. Does the gentleman contend that his amendment would reduce the salaries of officers under existing law?

Mr. BLACK of Texas. It would certainly reduce the compensation paid to this particular group of officers because it would prevent the counting as a part of their service their four years' service at these academies. I can not see how there could be any question in the world as to its being in order under the Holman rule.

The CHAIRMAN. Does the gentleman from Kansas desire to be heard on the point of order?

Mr. ANTHONY. No.

The CHAIRMAN. The Chair is ready to rule. By the act of August 24, 1912, cadets of the United States Military Academy and of the Naval Academy were not permitted to count, in computing for the purpose of longevity pay, the length of service of such officers in the respective academies. It is contended that by the act approved March 18, 1920, this provision of the act of August 24, 1912, was repealed. The purpose of the amendment is to reenact the provision as contained in the act of August 24, 1912.

It is new legislation, but it necessarily tends to reduce the compensation of persons paid out of the Treasury of the United States, namely, such officers as are entitled to longevity pay and who would be prohibited from adding to the service upon which the longevity pay is based their terms of service in the respective academies at West Point and Annapolis. Therefore the amendment comes clearly within the provision of the Holman rule and is in order. The point of order is overruled.

Mr. BLACK of Texas. Now, Mr. Chairman, I do not think there should be any question at all about the merits of this amendment. It simply applies the same rule to Army officers as we have applied to officers of the Navy. It has been the uniform policy of the House since 1912 to prohibit the counting of this period of service in the Military Academy and in the Naval Academy as a period of service in the Army and in the Navy for the purpose of longevity pay. When we had the naval appropriation bill before the House recently a similar provision was adopted. While the amendment which I have offered is not in the identical language of the amendment offered by the gentleman from South Carolina, because his amendment applied to the Navy and mine applied to the Army, yet in principle they are exactly the same. The reason for the adoption of his amendment was given by the gentleman from South Carolina [Mr. BYRNES] in such a brief and clear manner that I will ask the permission of the House to read his remarks made at the time his amendment was adopted. He said:

> The result of the decision of the Court of Claims is that only those officers who were graduated between June 30, 1920, and June 30, 1922, would be affected. In 1922 we passed what is known as the service pay bill. Under that pay bill this provision was made:
>
> "That officers appointed after July 1, 1922, should not count for purposes of pay any other than active commission service."
>
> So that as to those officers graduating after July 1, 1922, this specific prohibition would prevent their benefiting by the decision of the Court of Claims, but as to those who were graduated prior to that time and after the passage of the bonus bill in 1920, they would receive longevity for the time served at the academy at West Point, and in addition, by reason of the provisions of the pay bill, that group of officers would benefit by having that four years computed in ascertaining the pay period to which they belong. So that for the rest of their service they would receive compensation in excess of that which the Congress intended they should receive.

Without any further argument, Mr. Chairman, I submit the amendment to the House and hope it will be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. BLACK].

The question was taken; and on a division (demanded by Mr. BLACK of Texas) there were—ayes 17, noes 21.

Mr. BLACK of Texas. Mr. Chairman, I demand tellers, and pending that I make the point of no quorum.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum. The Chair will count. [After counting.] One hundred and ten gentlemen are present, a quorum.

Tellers were ordered; and the Chairman appointed as tellers Mr. ANTHONY and Mr. BLACK of Texas.

The committee again divided; and the tellers reported—ayes 54, noes 37.

So the amendment was agreed to.

The Clerk read as follows:

> Pay of enlisted men: For pay of enlisted men of the line and staff, not including the Philippine Scouts, $51,887,415: *Provided*, That the total authorized number of enlisted men, not including the Philippine Scouts, shall be 125,000.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the last word. Yesterday I said we had a one-year enlistment in the Army. At that time I stated the War Department would not accept a man for one year. This matter has been in controversy for some time. Late last night I was informed that the War Department had received a decision from the Department of Justice upholding in all points the contention I have made that they had no right to refuse to accept a man if he wanted to join the Army for one year. In my opinion this will be a great reform in Army enlistments. A boy can now join, or in a few days will be able to join, the Army if he wants to and take training for one year. At the end of one year if he wants to go out into civilian life again he can do so. If he wants to stay in the Army he can do so and enlist for three years. I rather anticipate that the Army will decry this reform and fill the newspapers with statements that it is going to destroy the Army.

Mr. SHERWOOD. I think the gentleman is right about it. I think he will get a better class of young men into the Army by enlisting them for one year.

Mr. HULL of Iowa. Thank you. It will not destroy the Army. It will help to make the Army. You will always have from 75,000 to 100,000 three-year men in the Army, and that will take care of your foreign service. They will say that you can not send these one-year men to foreign service. You can not, and they should not be sent there. But they can join the Army and get one year's training and then go out, and you will always have in this country an unorganized reserve, and I presume if they will try, by regulations, they can organize and hold these men in the reserve. But what I wanted to call your attention to was that you must not be fooled by statements that the War Department will put out that this will cost a great deal more money and destroy the American Army. It will not. The principle of a short-term enlistment is older than the American Army. It has been indorsed by the best military experts in the world. It is the ideal way of making up your Army—to let a boy go in and stay one year and then if he wants to make a soldier out of himself and reenlist for three years he may do so.

Last summer I was on a boat that had some 500 to 1,000 young men who had been picked up in New York and had not been in the Army two weeks, but they were taking them to the Philippine Islands for three years. In my opinion, that is a tremendous blunder.

I simply wanted to make this statement so that you will understand that in advocating a short-term enlistment I am not trying and have not been trying to hurt the Army. I am trying to have the Army adopt modern methods of enlistment.

Mr. TILLMAN. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, for 40 years, in fact during all of my adult life, I have been a total abstainer from the use of intoxicants. I was a prohibitionist when they hunted them with hounds. Now that prohibition is popular, it is amusing to note how

zealous recent converts are. Over 20 years ago, while circuit judge, I began the first systematic crusade against blind tigers and drink joints in my circuit. I began this crusade in my own town of Fayetteville against the big imposing drug stores—not against the weak little booze peddlers, the obscure joint keepers, elsewhere than in my home town—and poured the lifeblood of these bold and arrogant tigers into the dust of the street.

I made my campaign for Congress 10 years ago on a platform for nation-wide prohibition. I spoke for, voted for, and helped to pass the prohibition amendment, the Volstead Act, and the suffrage amendment.

A WARNING.

I want the American people to know that this fight has just begun, and has not just ended, as some assert. There is to-day, and has been for some time, a powerful organization backed with hundreds of millions to change the Volstead Act so as to allow the sale of wine and beer. Hundreds of bills are now pending in House and Senate for light wine and beer. This organization will have in the field in many districts a liquor man supplied with plenty of money, and will try to elect him by hook or crook. Are we in earnest about what we have been preaching and practicing for years, or will we allow crafty and insinuating wet agents to fool us?

THE WOMEN AWAKE AT LAST.

I am glad our women—God bless them—are waking up to the situation as well as others.

Below are extracts from letters of some of our worthy and watchful Woman's Christian Temperance Unions, who know what is going on secretly, cunningly, quietly. I quote brief extracts from these letters, only one sentence from the first one:

SULPHUR SPRINGS, ARK., *March 20, 1924.*

Congressman TILLMAN:

The women voters of Arkansas do not want light wine and beer.

Signed by—

CLARA E. SCOTT,
Local President Woman's Christian Temperance Union, and State Organizer.

Another follows:

SILOAM SPRINGS, ARK., *March 20, 1924.*

DEAR MR. TILLMAN: We the members of the Woman's Christian Temperance Union of Siloam Springs, Ark., are registering our protest against all license for light wines and beer. We are a union in one body and mind, fighting together to keep this curse from our young generation. For God's sake help us to wipe it off the face of the earth.

Sincerely yours,

Signed by—

MRS. ELLA BEASLEY,
Corresponding Secretary
(and 129 others).

These women know what is transpiring, covertly as well as in the open, and they have the courage to assert themselves and to fight as they have fought for years.

I have been doing this very thing asked, by precept and example, for many years and I certainly shall continue in the work.

Crafty, sly, and plausible individuals tell us that prohibition is a part of the Constitution; the Volstead Act is on the statute book; that the question is settled and not an issue; that they stand for law enforcement and such, but do they? Let us see whether it is settled.

All Members of the House and Senate received the letter which I print below in the last day or so, and this is one of literally hundreds like it:

[William P. Custard, president. A. L. Bixton, vice president.]

For members in every State—Help reach the 10,000,000 mark.

Dr. A. J. Sabourin, Chairman National Campaign Fund Committee.

Help Our $5,000,000 Campaign Fund.

The National Liberty League.
[Copyright.]

Don E. DeBow, National Secretary and Treasurer.
National Headquarters, Omaha, Nebr.

Omaha, Nebr., March 22, 1924.

Hon. JOHN N. TILLMAN,
House Office Building, Washington, D. C.

DEAR SIR: You are, of course, well informed as to the change in sentiment regarding prohibition. The majority of the people believed that with the saloon eliminated the prohibition question would be settled and taken out of our State and national politics. It is our belief that the legislative and judicial branches of our State and Federal Governments have gone beyond what the people intended when they voted for prohibition.

Believing it is your desire to represent the will of the majority, the members of the National Liberty League will expect your wholehearted support and ask for your cooperation in fighting—

First. For repeal or modification of the Volstead Act, to permit the manufacture and sale of beer and light wine containing not more than 5 per cent and 20 per cent of alcohol by volume, respectively, with revenue derived therefrom to be applied to the reduction of taxes and our national debt.

Second. For the abolishment of the present restrictions placed on physicians in prescribing liquors for medicinal purposes.

Third. Against passing any more prohibition laws until the present are efficiently and impartially enforced.

Fourth. Against appropriations for unsuccessful prohibition bureaus.

Respectfully yours,

THE NATIONAL LIBERTY LEAGUE,
DON E. DEBOW, *National Secretary.*

This is only one of many such concerns. They want a $5,000,000 campaign fund, they say on their letterhead.

The liquor contingent has marked me for slaughter many times and is doing so now.

During the campaign of 1920, the last time I had opposition, James Perkins, of Yellville, sent me the unsigned circular printed below, the original of which I have, and which was used by those opposing my election:

TILLMAN AND PROHIBITION!

Regardless of what Congressman TILLMAN has done or not done, the people will not forget his part in securing national prohibition.

It will be remembered that when he made his first race six years ago, he gave good people to understand that if they sent him to Congress the cause of prohibition would have a champion there.

And when the national prohibition fight was on in Congress TILLMAN went over the top with the captains who made prohibition a part of the Constitution.

And after prohibition was made a part of the Constitution, TILLMAN was one of the faithful who never slept on the job until he had helped to pass the Volstead Enforcement Act, which gave the country a prohibition law with teeth in it.

And now, woe unto him who is found making liquor, beer, or wine, or selling it or giving it away or has it about his person or his home.

This law is being enforced by United States agents who are given the right to search and seizure, and many people have been run down and sent to the penitentiary, while society is getting rid of the liquor element and their sympathizers.

William J. Bryan, whose "heart is in the grave" because the Democratic Party refused to indorse national prohibition, has published in his Commoner an honor roll of Congressmen who made the Nation bone dry. In Bryan's roll of honor is the name of TILLMAN of Arkansas.

I am glad that I have the confidence of the prohibition and temperance forces of the State and Nation, as evidenced by two letters which I copy below:

THE ANTI-SALOON LEAGUE OF AMERICA,
LEGAL DEPARTMENT,
Washington, D. C., January 2, 1924.

Hon. JOHN N. TILLMAN, M. C.,
House Office Building, Washington, D. C.

DEAR MR. TILLMAN: Congratulations on your assignment to the Judiciary Committee, where you have rendered conspicuous service in the past.

Inasmuch as this committee handles all liquor legislation, it is of great importance to the prohibition cause to have recognized friends, like yourself, who have always been active, sincere, and dependable, assigned to it. Your consistent record and loyal championship whenever any prohibition legislation was pending makes your appointment doubly gratifying to the friends of the eighteenth amendment and its enforcement.

With best wishes for a happy and successful New Year, I am,

Yours cordially,

W. B. WHEELER.

[Dr. A. C. Millar, president. Paul E. Kemper, superintendent.]

THE ANTI-SALOON LEAGUE OF AMERICA,
ARKANSAS DEPARTMENT,
Little Rock, Ark., March 18, 1924.

Hon. JOHN N. TILLMAN, M. C.,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN TILLMAN: I am writing you with reference to the Cramton bill (H. R. 6645), which is now in the hands of your Committee on the Judiciary of the House. We have quite a little anxiety concerning this particular bill.

Congressman TILLMAN, I, with the great dry constituency in your district, or the State as well, know where you stand, and fully expect that you will do nothing less than your very best in getting this bill from the committee before the House for passage. I am writing you, representing this great dry force, to let you know we are back of you in whatever you do in favor of this bill.

Accept in advance our great appreciation for your loyalty and support in all temperance measures. I am,

Most cordially yours,

PAUL E. KEMPER, *Superintendent.*

There are other issues pending. I introduced the following bill which I am pressing for passage and which I have reason to believe will pass.

"A bill to establish a fish hatchery" in the third district. The nearby hatcheries at Neosho and Mammoth Spring can not begin to supply fish for our streams. Northwest Arkansas is the garden spot of the Republic, a land of forest and field, orchard and mine, fertile valleys, and sun crowned hills, the Switzerland of America. Her bold springs and clear streams furnish ideal waters to breed and grow game fish. This "land of a thousand smiles" is attracting tourists from every part of the Nation. Help us to prepare for their recreation and entertainment.

I have had pending for some time bills to erect Government post-office buildings in county seats and important towns, and consider it both an economical proposition and a sane expenditure of public money.

Almost daily on this floor members with a large contingent of foreign-born constituents are speaking or voting for measures designed to help foreign nations. I have opposed by speech and vote every gift to foreign nations. I have voted against every measure to forgive or reduce debts due us from Europe. These are debts of honor and every penny, principal and interest, must be paid and now we are asked to vote for House Resolution 180, making a gift to Germany of $10,000,000 of the money of the American taxpayers for the purposes of relieving alleged distress there. This measure will pass but not by my vote. It is unconstitutional and outrageous to thus vote away money which had better be either not collected or distributed to relieve distress and suffering in our own country.

We are by far too eager, it seems, to neglect America and aid foreigners. I shall vote for the Johnson bill limiting foreign immigration. Let us stop this criminal and indiscriminate admission to our country of the scum of Europe. Keep out the foreigner and let our children and their children alone inherit and enjoy our advantages, our wonderful resources, and our superior civilization. [Applause].

Mr. JAMES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JAMES: Page 9, line 14, after the figures "$51,887,415," insert: "*Provided*, That the Secretary of War is authorized in his discretion to make payment from this appropriation of the balance of $12 due as pay to Clarence J. Vaughan, Marquette, Mich."

Mr. ANTHONY. Mr. Chairman, I reserve a point of order in order to give the gentleman from Michigan an opportunity to make a statement.

Mr. JAMES. Mr. Chairman, in December, 1918, Clarence J. Vaughan, of Marquette, Mich., was discharged from the Army. Mr. Vaughan had $12 due him as pay. The paymaster, Major Durkee, sent him a registered letter inclosing the $12 in currency. It was sent to him by registered mail, but in a franked Army envelope. At the same time, Major Durkee mailed 4,000 other envelopes, all registered. The young man received the registered envelope, but no money. Mr. Vaughan took the matter up with the War Department, and was told that if he would furnish a bond and two or three bondsmen he could get his money. Mr. Vaughan furnished the necessary bond, and he was then informed by the War Department that seeing that the money was in currency and not a draft they could not pay him this money, but would try to get it from the Post Office Department, in view of the fact that the letter was registered.

When Mr. Vaughan could not get his money, he wrote me, and I took the matter up with the War Department and was told they would investigate the matter. Finally I received a letter from them stating that the Post Office Department claimed that, seeing the letter was registered in a franked envelope, they were not liable and they would not pay it unless he could get the man who stole the money to admit he stole it, and during all these five years the young man has been waiting for his money. The War Department wants to pay it, but say they have no authority, and the Post Office Department says they can not pay it.

Mr. REECE. Will the gentleman yield?

Mr. JAMES. I yield.

Mr. REECE. The department admits the liability and admits that they owe this man the money?

Mr. JAMES. They say the Post Office Department should pay it and, as I say, the Post Office Department will not pay it unless the man who stole it admits he stole it.

The following letter from the War Department, dated February 13, 1920, and the inclosed from the Army and Navy Register of May 8, 1920, will be of interest as showing to what extreme "red tape" can go:

FEBRUARY 13, 1920.

Hon. W. FRANK JAMES,
House of Representatives.

MY DEAR SIR: Receipt is acknowledged of your memorandum of the 11th instant inclosing copies of letters from the Post Office Department in regard to the loss of money from a registered letter addressed to Mr. Clarence J. Vaughan.

I will have this matter investigated, and see if there is not some way in which the Post Office Department can be forced to acknowledge their full liability in such cases.

Very respectfully,

E. B. HARTLEY,
Major, Q. M. C.

[From the Army and Navy Register, May 8, 1920.]

IN CONGRESS.

LOST, STRAYED, OR STOLEN!

Representative W. FRANK JAMES, of Michigan, on April 16, during consideration of the Army appropriation bill in the House, had the following to say regarding disbursing officers:

"There should be some change in the system by which men who are discharged from the Army are paid. I know of a case where a young man was discharged from the Army on December 12, 1918. The disbursing officer sent him a remittance of $12 by registered mail, but, as it was sent to the wrong address, it was returned to the sender, Major Durkee. Major Durkee then sent another registered letter to the soldier, Clarence J. Vaughan, at his home at Marquette, Mich. The second registered letter was duly received, but contained no money. Mr. Vaughan took the matter up with Major Durkee and the War Department and explained that the registered letter contained no money, but, receiving no satisfaction, sent all papers to me.

"After some correspondence I was given to understand that if Mr. Vaughan would furnish a bond, with two responsible bondsmen, he would be paid. I was also informed that 'he should also be cautioned that the instructions attached to the bond of indemnity must be followed absolutely, as the bond, when completed, must be approved by the Treasury Department prior to the payment of the duplicate check.'

"Instructions regarding bond were 'followed absolutely,' red tape and all, and bond was executed and forwarded to the War Department on March 1, 1919.

"On July 9, 1919, I was informed by the War Department that they had discovered that the disbursing officer, Major Durkee, had sent 'currency' to Mr. Vaughan instead of a check, and therefore they were not responsible, and stated that the matter would have to be taken up with the Post Office Department. After a good deal of correspondence and conversation with the Post Office Department I was informed that nothing could be done until Major Durkee could be located and interviewed by a post-office inspector. I was also informed that it would be necessary to get an affidavit signed and sworn to by Major Durkee that he had really sent the $12 in currency.

"Very luckily Major Durkee had not been sent to Siberia to guard some railroad, or to Silesia to oversee some election, or Mr. Vaughan's grandchildren might be paid the money some day.

"Major Durkee was finally located in Texas, and stated that he had sent out thousands of letters and did not remember anything about the one sent to Mr. Vaughan. The Post Office Department said they 'were sorry, but nothing could be done until the affidavit was secured.'

"Under date of January 8, 1920, or about 13 months after Mr. Vaughan had been discharged, I was told, in part: 'I have to state that the case is still under investigation with a view to fixing responsibility for the rifling, if possible, in the event it can be definitely determined that the letter was rifled while in the custody of the Postal Service.'

"As this was as 'clear as mud,' I asked for further information, and I gathered the additional information that about the

only way that they—the Post Office Department—could or would pay was to have the man who stole the money admit that he had stolen it.

"I was also informed that: 'Inasmuch as the letter in question was mailed under cover of an official penalty envelope, without payment of postage, indemnity in this case is not applicable. However, if further investigation results in fixing responsibility for the rifling upon a postal employee, consideration will be given to the matter of attempting recovery of the amount involved from such employee in order that claimant may be reimbursed.'

"In other words, although the registry fee had been paid, the post office stated that they assumed no responsibility, because the envelope was a 'franked' one instead of carrying a 2-cent stamp.

"We then called the attention of the War Department to the matter, and was informed that they had sent out thousands of registered letters in franked envelopes, and it was their contention that the post office was responsible, and they would take the matter up with them at once and advise us.

"This was several months ago, and I presume that there is still a debate between the War Department and the Post Office Department as to whether or not money sent a soldier by registered letter and stolen should be paid to the soldier, and, if so, by what department.

"Mr. Vaughan is not so concerned about the amount as he is about the principle of the thing. I take it for granted that there are many others in the same fix.

"I sincerely hope that before the next war that the War Department will have worked out a system that will be fairer to the soldier, and one that means he will be reimbursed promptly in similar cases."

Mr. Vaughan has waited for over five years for his money. It is very evident that unless the amendment I have offered is agreed to he will never be paid, and I hope there will be no objection to it.

Mr. ANTHONY. Mr. Chairman, I will not make the point of order in view of the gentleman's explanation.

The CHAIRMAN (Mr. TILSON). The question is on the amendment of the gentleman from Michigan.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For aviation increase to enlisted men of the Army, $250,000: *Provided*, That this appropriation shall not be available for increased pay on flying status to more than 700 enlisted men

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. What is the service doing now in the way of training enlisted men in flying and why is it necessary to limit the number to 700?

Mr. ANTHONY. The limitation carried heretofore has been 500, as I understand, and the committee has put on a limitation because it found a few years ago that the aviation service was giving extra flying pay to men in the balloon service, and men who simply went up in a fixed balloon, anchored to the ground, for observation purposes, were getting 25 per cent extra, and we thought that was a little strong; consequently this year we limited the number.

Mr. BEGG. Last year it was 600 and this year it is 700.

Mr. ANTHONY. The department said they wanted to move a number of men in machines, and we thought for actual flying they ought to receive this pay.

Mr. LAGUARDIA. I think more enlisted men should be given an opportunity to learn to fly. I think the time is past when it should be limited to officers. I think the men that go up in balloons ought to get flying pay too.

Mr. KVALE. Mr. Chairman, I ask unanimous consent to return to line 16, page 9, inasmuch as I have been trying all the time to get recognition.

Mr. ANTHONY. Reserving the right to object——

Mr. KVALE. I want to offer an amendment.

Mr. BEGG. Let us have the amendment reported.

The CHAIRMAN. Without objection, the amendment will be reported.

The Clerk read as follows:

Page 9, line 16, strike out one hundred and twenty-five thousand and insert sixty-two thousand five hundred.

Mr. ANTHONY. Mr. Chairman, I shall have to object.

Mr. OLIVER of New York. Mr. Chairman, let me say to the gentleman from Kansas that after the gentleman from Michigan [Mr. JAMES] rose and presented his amendment, the gentleman from Minnesota presented his amendment immediately and sent it to the Clerk's desk. The amendment of Mr. JAMES was disposed of and thereupon the amendment proposed by the committee was taken up so the gentleman's amendment was shut out.

Mr. ANTHONY. In view of that fact, Mr. Chairman, I will withdraw objection, with the understanding that there will be not more than five minutes occupied in discussing the amendment.

The CHAIRMAN. Is there objection to returning to line 16? There was no objection.

Mr. KVALE. Mr. Chairman and gentlemen of the committee, I have offered this amendment as the only effective way of entering a protest against our large Army and Navy. I spoke somewhat at length on this subject yesterday and will not repeat what I said then. I do not have much hope that there are enough Members here to-day to vote for this amendment. It would be interesting, however, to see how many would be willing to defy the machine and vote for it. But I know that two years from now—and if I am here I am going to offer a similar amendment—that then there will be more Members of this House who will vote for reducing the appropriations for a large Army, appropriations which now are two and a half times as large as they were the year before we started the war to end war.

Mr. VAILE. Will the gentleman yield?

Mr. KVALE. In a moment when I am through. I have only five minutes. I do not believe there are enough Members of this House in favor of it to pass the Ramseyer joint resolution to take the profits out of war and conscript wealth. But two years from now there will be more in favor of that resolution, and four years from now there will be more women Members of the House, some women who are mothers. And when you put it up to the mothers of the Nation to vote on war appropriations you will find out where the large Army and the Navy will be going to. Then, my friends and gentlemen of the committee, I say you will find us going back to the time when appropriations were not half of what they are now. The mothers who have boys, like the mother of my six sons, are willing to sacrifice every one on the altar of our country if it is in danger, in real danger; but these mothers feel and know that their boys are a little bit too good to have their bodies rot and their bones bleach on foreign soil to save J. Pierpont Morgan's coupons. [Applause.]

Mr. VAILE. Will the gentleman yield?

Mr. KVALE. Yes; I will yield to the gentleman.

Mr. VAILE. Does the gentleman think that 62,500 should be the maximum number, or would he be in favor of a further reduction?

Mr. KVALE. After a while I would, but I thought 62,500 was all I could hope for now.

Mr. VAILE. Will the gentleman state what he thinks the total number of men in the Army should be, or whether there should be any Army.

Mr. KVALE. Oh, I want an Army for police purposes. I would like to have an appropriation for about what we had before we had the war to end war, $105,000,000, instead of $254,000,000 as now proposed.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

Mr. BLACK of Texas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 9, line 14——

The CHAIRMAN. The Clerk informs the Chair that that paragraph has been passed.

Mr. BLACK of Texas. May I make this statement, Mr. Chairman, and then I will ask unanimous consent to return? I had this amendment prepared intending to offer it, and the gentleman from Minnesota was seeking prior recognition. I intended to offer my amendment after his had been voted upon. The committee proceeded to read. I do not wish to discuss it, but I ask unanimous consent that it may be offered and voted upon.

The CHAIRMAN. Without objection, the amendment will be read for information.

The Clerk read as follows:

Page 9, line 14, strike out the figures "$51,887,415" and insert in lieu thereof "$41,887,415"; and in line 16, after the word "hundred," strike out the words "and twenty-five."

Mr. BLACK of Texas. Mr. Chairman, I ask unanimous consent that the amendment may be submitted and voted on.

Mr. ANTHONY. Mr. Chairman, I have no objection.

The CHAIRMAN. No objection being heard, the question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

The Clerk read as follows:

Pay of persons with retired status: For pay of the officers on the retired list, $7,032,337: *Provided*, That no part of this sum shall be paid to Col. John E. Hunt, United States Army, retired.

Mr. DICKINSON of Iowa. Mr. Chairman, I make the point of order to the words of the proviso beginning on line 2, page 10—

Provided, That no part of this sum shall be paid to Col. John E. Hunt, United States Army, retired.

I make the point of order upon the ground that the same is legislation on an appropriation bill, and is not germane.

Mr. JOHNSON of Kentucky. Mr. Chairman, it seems so plain that this is a limitation that it does not seem to me to be necessary to make any argument in respect to it.

The CHAIRMAN. It seems so to the Chair, but the Chair will be glad to hear the gentleman from Iowa.

Mr. DICKINSON of Iowa. Mr. Chairman, in the opinion the Chair rendered this morning stress was laid upon the matter of the principle of limitation. It is my contention that a limitation can not in effect repeal existing law. Under the present existing law it is the duty of the proper officials of the Government to pay to Colonel Hunt the retired pay of a colonel under the pay bill of the Army. That is entirely an executive function. In effect, this proviso repeals that law in that it deprives Colonel Hunt of his pay in this appropriation bill. It interferes with an executive function. That being the case, it is my contention that this goes beyond the scope of a proper limitation. It does not involve a policy; it goes to an individual. For that reason it is not a proper limitation on an appropriation bill.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. BEGG. Suppose the provision is carried into law, can not Colonel Hunt under the law to which the gentleman refers go into the Court of Claims and get judgment for his pay?

Mr. DICKINSON of Iowa. Absolutely. He could go to the Court of Claims and have a decision rendered and receive his pay. Therefore, what we are seeking to do is simply to make him a lot of trouble with respect to receiving his pay. It is an interference with an executive function, and I do not believe it is allowable under the rules of this House. I think it is not a proper limitation on an appropriation bill.

The CHAIRMAN. If the gentleman's argument were addressed to the merits of the question, what the gentleman from Iowa had said would be persuasive, but it has been pretty thoroughly established that Congress may refuse to appropriate for a perfectly legitimate purpose.

Mr. JOHNSON of Kentucky. This comes under the Holman rule.

The CHAIRMAN. In the mind of the Chair it is purely a limitation. It does not restrict the discretion of any executive officer. It simply declines to appropriate for a perfectly legal object. The Chair overrules the point of order.

Mr. LAGUARDIA. Mr. Chairman, I have an amendment, which I have sent to the desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 10, line 2, after the figures "$7,032,337," strike out all of the balance of line 2 and all of lines 3 and 4, and, further, on line 2, insert a period in place of the colon.

Mr. LAGUARDIA. Mr. Chairman, a few moments ago Major Cresson had various gentlemen here who defended him. I now rise to strike out the proviso relating to Colonel Hunt. I happen to know Colonel Hunt. He was the senior officer and the commanding officer on the ship on which I crossed in August, 1917. While it would cause Colonel Hunt a great deal of hardship if we were to defeat my amendment, I say that you have hurt Colonel Hunt more to-day than if you had taken his pension away from him, because there is no greater insult which can be heaped upon the head of an American officer than to call him a traitor. Colonel Hunt is not a traitor to his country. [Applause.] Colonel Hunt may have exercised bad judgment. It was pointed out here that he permitted this prisoner to go without handcuffs; but all gentlemen know that if Colonel Hunt or any other Army officer would put handcuffs on a prisoner while on a train or traveling, there would be 20 or 30 gentlemen on the floor of this House protesting against the brutality of that officer. We are simply making it hard for an officer of the Army to perform his duty.

I had opportunity to observe Colonel Hunt in crossing. We embarked at New York and went to Halifax and from there we crossed over to Liverpool. We had about 2,500 troops aboard. He was in command of a battalion of the Ninth Infantry. He performed his duties intelligently and well. He was raised in the American Army. His father was a graduate of West Point. He could not get his boy into West Point, but the boy enlisted and worked his way up and got his commission. After 30 years of service, I think it is not fair, it is unjust, to brand an officer as a traitor because he was guilty of using bad judgment, and in the actual desertion he had no personal contact with the prisoner at the time.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. McKENZIE. I am not here to defend Colonel Hunt at all, but I ask the gentleman from New York if Colonel Hunt was not simply a subordinate officer, carrying out the orders of his superior, so far as this prisoner was concerned?

Mr. LAGUARDIA. Certainly. We have so hamstrung Army officers with laws and rules and regulations that they have to look up the CONGRESSIONAL RECORD every time they order squads right or squads left. If we would stop running the Army and legislate for them and give these officers a decent salary instead of taking four measly years from their longevity pay, as we voted to do a few moments ago, perhaps we could get somewhere.

As a former Army officer, I protest against the insinuations of disloyalty with respect to Colonel Hunt. His record up to this unfortunate incident was a good military record of a brave soldier, and I hope that the gentlemen of the House will extend to him the same fair consideration that they extended to Major Cresson, and will vote out the proviso in this paragraph which we have no right to insert, which can not permanently take the pay away from Colonel Hunt, but is simply an insult to the colonel.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HILL of Maryland. I want to say to the gentleman, and I agree with everything that he has said, that I do not know whether I know Colonel Hunt or not. Until I heard the gentleman's remarks I thought I did not know Colonel Hunt, but I am inclined to think that I served with him when he was in the Ninth Infantry on the Texas border.

But that makes no difference, nor does it make any difference what Colonel Hunt or anybody else was guilty of; this House ought not to pass laws of this kind.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, the House has just been informed that it is all wrong and brutal to handcuff a man who betrayed his country and is under a sentence to the penitentiary. The further statement has been made that Colonel Hunt had a splendid war record. I have in my hand a report from the War Department which gives the court-martial trial to which reference has been made, and three other times Colonel Hunt was court-martialed. He was court-martialed for appearing upon the judicial stand while drunk and trying another man who was being court-martialed. For that offense he was found guilty, and the verdict was that he should be dismissed from the Army. Appeal was made to Mr. Taft, who was then President, and he pardoned him and reduced him 50 files, but he pardoned him only on the promise that he would hereafter remain sober. But he violated that promise made to the good-natured President, and afterwards was court-martialed for being drunk. Five men on the committee which investigated the trial of Hunt—where beyond all sort of question he was whitewashed—the five on that committee reported him guilty. Five specifications were against him. He admitted three and the other two were proven. It is suggested that he was acting under superior orders in his dereliction. He was ordered by the War Department here at Washington to handcuff that man, Bergdoll, and when the guard started to leave the prison at Governors Island with him and asked for handcuffs Hunt refused them. Hunt was told by the War Department that Bergdoll should not be released to go on the gold-hunting journey without a commissioned officer accompanying the expedition. Hunt defied that, and Bergdoll went off without a commissioned officer. Hunt was furthermore directed from headquarters not to let that expedition start until at least one of the attorneys for Bergdoll accompanied him, because the Government had the promise of Bergdoll's attorneys that they would see that he was returned to his prison quarters.

The proof was made that this little guard of two corporals had Bergdoll in charge after he had been turned over to Bergdoll's attorney, and then to Bergdoll's foster father in Bergdoll's own residence in Philadelphia. Then they rode about the country in the afternoon in an automobile, then they went to the theater at night, and upon their return from the theater

the proof is beyond dispute that they stopped at a barroom, but the prosecutor, Cresson, stopped the witness and would not let him testify to that effect and said, "Jump over that until next day."

Mr. LAGUARDIA. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I hope the gentleman will not take up my time.

Mr. LAGUARDIA. The gentleman can get more time——

Mr. JOHNSON of Kentucky. We are proceeding under the gag rule.

Mr. LAGUARDIA. But the negligence and inefficiency of the soldiers should not be placed against Colonel Hunt.

Mr. JOHNSON of Kentucky. They were selected by him because of their inefficiency and because of their lack of qualifications. The whole committee of five reported this fellow guilty and the majority think that the people ought not to be taxed to pay him $10 a day for the rest of his life.

Mr. LAGUARDIA. But he is entitled to it as a matter of law.

Mr. JOHNSON of Kentucky. The minority report made by Mr. Peters and Mr. McArthur also reported him guilty. He was guilty from every standpoint. But it is apparent that whitewash is to be used once more and that this man will not receive punishment from the people whose flag he has betrayed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWTON of Minnesota. Mr. Chairman and gentlemen, I recall something of the testimony taken in the Bergdoll investigation, and the two reports which were made to the House—the majority report by the gentleman from Kentucky, as I recall it [Mr. JOHNSON], and the minority report. I also recall that from my reading of that report I did not form a very high regard for the way in which Colonel Hunt discharged the duties which were imposed upon him in reference to Bergdoll and his tour, if you care to call it that. That is one proposition, and for his conduct in reference to that Colonel Hunt was brought before the only kind of official tribunal before whom he could be brought, an Army court-martial, to ascertain if he was guilty in law of the charges preferred. That Army court-martial, after a hearing of the evidence in the case, acquitted Colonel Hunt, not of misjudgment, but of being guilty of the specifications that were charged against him. Now then, I am even willing to admit that the court-martial verdict was wrong in each and every instance where they failed to find him guilty, but I am not willing to say that because a certain court-martial or a certain tribunal made a mistake the House of Representatives ought to revolutionize its own history and violate every principle of Anglo-Saxon jurisprudence and pass what is in fact a bill of attainder, as was so well pointed out by the gentleman from Virginia [Mr. TUCKER]. So then, admitting for the purpose of argument everything that the gentleman from Kentucky has said, yet it seems to me that we here in this House can not countenance any such thing as to deprive an officer of his pay in this manner. I do not know Hunt. But I am not willing to commit an injustice. This man's pay is a matter of contract. We are asked to take action depriving him of it when the only tribunal which could lawfully do so has found him not guilty. The motion to strike out should be adopted.

Mr. ANTHONY. If the gentleman will yield just for a moment, I would like to prefer a unanimous-consent request, that debate on this amendment be limited to 25 minutes in addition to the time that has already been occupied.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that debate on this paragraph and all amendments thereto be limited to 25 minutes. Is there objection?

Mr. HOWARD of Nebraska. I object.

The CHAIRMAN. Objection is heard.

Mr. MAGEE of New York. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. BANKHEAD. Mr. Chairman, under the rules is the debate exhausted on the pending amendment?

The CHAIRMAN. Yes.

Mr. BANKHEAD. I call for the regular order.

The CHAIRMAN. The regular order is called for. We are proceeding under unanimous consent. The gentleman from New York moved to strike out the last word.

Mr. MAGEE of New York. Mr. Chairman, I want to say a word in favor of the amendment. I do not know Colonel Hunt. I have talked with persons who do know him, and uniformly they have spoken of him in the highest terms. But it seems to me that we have involved in this provision of the bill a fundamental principle, and I want to put this question to the Members of the House: What has become of the fundamental right of an American citizen charged with a crime to be presumed innocent until found guilty? [Applause.]

Are we to displace this right by the promulgation of a new doctrine, that a citizen charged with a crime shall be deemed guilty until found innocent? Or by a modification of that doctrine, as is attempted here, that an American citizen charged with a crime shall be deemed guilty even after a duly constituted tribunal has found him innocent?

It seems to me that there must be some limit here in accordance with the constitutional rights of an American citizen.

Mr. DYER. Mr. Chairman, will the gentleman yield there?

Mr. MAGEE of New York. No. I have only two minutes, and I respectfully decline to yield. I want to speak only a word, and I am speaking it because I think there is that fundamental principle involved that we can not overlook. [Applause.]

It has been suggested here that perhaps Colonel Hunt was guilty. I say that he was not guilty. Who can say that perhaps he was guilty when he was tried by a court-martial and acquitted? I do not know what evidence was presented, but I do know General Bullard. I know that no finer officer ever wore the uniform of Uncle Sam. [Applause.] He is a man of the highest ideals. No one would think of questioning his integrity. I understand that General Bullard approved the findings, and you can bet your bottom dollar that General Bullard would not have approved them unless the findings of that court-martial were in accordance with the evidence presented.

It seems to me that we owe something to ourselves here. If an American citizen has any constitutional rights to-day, let us stand up and defend them. [Applause.] I have reached the point, I want to say to the House and to the country, when I am heartily sick and tired of the assassination of character by insinuation, by rumor, and by suspicion. Let us maintain the dignity of the House; let us maintain the great traditions of the House of Representatives; and let us not do anything that will impair the constitutional rights of an American citizen. [Applause.]

Mr. BUCHANAN rose.

Mr. ANTHONY. Regular order, Mr. Chairman.

Mr. ROGERS of Massachusetts. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. GARRETT of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT of Texas. The gentleman from Texas [Mr. BUCHANAN] is modest, and he has been quite a while trying to obtain the floor.

The CHAIRMAN. The Chair had not observed the gentleman from Texas on his feet.

Mr. ROGERS of Massachusetts. Mr. Chairman, when these two questions, which are alike in character, were pending, I wrote to the Secretary of War in an effort to ascertain his viewpoint as to the questions of facts and the principles involved. I have already read to the House one-half of his reply. I want now, in connection with the pending amendment, to read the other half of his letter. The Secretary of War says:

> Colonel Hunt was tried in 1920 by a tribunal established by law—
>
> Our law, gentlemen—
>
> a general court-martial appointed by Maj. Gen. R. L. Bullard—on charges which in substance alleged carelessness and neglect of duty resulting in the escape from confinement of Grover Cleveland Bergdoll, a convicted deserter from the Army. The court acquitted Colonel Hunt, and the acquittal was approved by General Bullard (G. C. M. O. 476), Eastern Department, August 4, 1920.
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> After that acquittal further criminal proceedings against Colonel Hunt upon the charges passed upon by the court-martial before which he was tried became legally impossible. This finality is in accord with established administrative judicial rules (sec. 1, G. O. 88, War Department, 1919), with a military judicial rule prescribed by Congress (art. 40, ch. 2, act of June 4, 1920, 41 Stat. 795), and with the principles of the Constitution (Amendment V). Colonel Hunt was tried and acquitted by a competent tribunal establishment pursuant to law—
>
> Our law—
>
> for the trial of alleged military offenders. To disregard the findings of that tribunal and to proceed to punish Colonel Hunt for alleged offenses of which he has been legally acquitted would, it seems to me, be a departure from one of the fundamental principles upon which our administration of justice is based.

The act of June 4, 1920, by article 40, chapter 2, provides, in part—

No person shall, without his consent, be tried a second time for the same offense.

That was the viewpoint of Congress in passing that law of 1920. In effect, gentlemen, the language carried in the pending bill is, without trial, to convict this man of the same offense of which he has already been acquitted under the rules and regulations and procedure established by us. It is putting the man in jeopardy for his life and for his property a second time. The Congress of the United States, in my judgment, can not afford to take that position. I hope that the amendment of the gentleman will prevail. [Applause.]

The CHAIRMAN. The gentleman from Texas [Mr. BUCHANAN], a member of the committee, is recognized.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

Mr. HOWARD of Nebraska. I object.

The CHAIRMAN. Objection is heard.

Mr. ANTHONY. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Kansas moves that the debate on this paragraph and all amendments thereto close in five minutes. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The gentleman from Texas [Mr. BUCHANAN], a member of the committee, is recognized.

Mr. BUCHANAN. Mr. Chairman and gentlemen of the House, you have heard my friend from New York, a member of the Committee on Appropriations [Mr. MAGEE], talk about the constitutional rights and constitutional guaranties.

You have heard talk about a man being twice put in jeopardy, but talk about constitutional rights and about a man being twice put in jeopardy has absolutely no application to this case. We are not seeking to punish Colonel Hunt a second time, nor are we seeking to try him a second time for this offense. We are trying to say in a legislative way that this Government will not continue to pay him his retired annual salary when he has proved recreant to his every duty in this case.

You say he has twice been put in jeopardy. What does jeopardy mean? It means jeopardy of life and liberty and has no reference whatever to the salary a man might get in the future.

Let us look at a few of the facts. Colonel Hunt was court-martialed, and it is true he was cleared. He was cleared after acknowledging his guilt under three of the counts of the bill of particulars, and he was proven guilty under the other two.

The gentleman from New York [Mr. MAGEE] asks whether we did not have a tribunal try Colonel Hunt. Yes; the military authorities tried him by court-martial and cleared him. Then this House appointed a legally constituted tribunal to investigate him and report back to this House. That tribunal spent $5,000 or $6,000 in that investigation. That committee of five, composed of your associates—men in whom you and the Speaker, who appointed them, had confidence—sent for witnesses from all over this country. They heard the testimony; they went into it carefully, and they brought back a minority and majority report, but both reports in unmeasured terms condemned Colonel Hunt.

Has he been tried? Why did you appoint your committee if you were not going to act upon its report and if you were not going to consider it and accept it?

Let us see what some of the conditions were. Bergdoll was subject to the draft; he was 25 years old, a single man, a multimillionaire, and of robust physical stature and health. He evaded the draft and dodged the officers of our country for over a year and a half and until the war was over. After he was apprehended he was handcuffed and sent to Governor's Island and put in charge of Colonel Hunt. While he was in Colonel Hunt's charge Army officers and police authorities sent Colonel Hunt warning as to the desperate character of this man Bergdoll and stated to him that he was likely to attempt to escape. Let me read one of those warnings. This warning came from William Weigel, colonel, General Staff, and reads:

1. Attention is directed to letter from the department adjutant dated January 20, 1920, addressed to you and relating to Grover C. Bergdoll.

2. In addition to the precautions directed in the letter referred to above, the department commander directs that at all times when Bergdoll leaves the walls of Castle William he be guarded by two armed sentinels. Whenever Bergdoll in his present status leaves the island, the commanding general directs that he be handcuffed to one sentinel and guarded by another sentinel. The dangerous character of this prisoner has been reported by the police authorities of Philadelphia, who are in a position to know the amount of force which is probably necessary for his restraint, and this direction is made because of the information gained from these experienced police officials.

That is the character of warning which Colonel Hunt had when he was in charge of Bergdoll. What was Colonel Hunt's reply to those warnings? What did he say to the committee and to the court-martial? He said that such warnings as that had about as much weight with him as a communication issued by the mayor of Timbuctoo. He refused to permit Bergdoll to be handcuffed on the gold-hunting expedition, and even refused to permit the guard to carry handcuffs with them, saying Bergdoll was a model prisoner and would not escape.

Talk about a model officer, an officer who has three times been tried for drunkenness, and on one occasion dismissed from the service.

Oh, that is not all. He appointed a guard. He was directed to appoint a suitable guard, a proper guard; but whom did he appoint? He appointed one O'Hara——

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BUCHANAN. I will yield for a question.

Mr. WAINWRIGHT. Will the gentleman permit to go in the RECORD, in his remarks, the record of gallantry of this officer at El Caney and in the Philippine insurrection?

Mr. BUCHANAN. What has the gallantry of this officer in the past to do with the present situation? Benedict Arnold was a gallant officer before he betrayed his country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were—ayes 47, noes 21.

So the amendment was agreed to.

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

Mr. JOHNSON of Kentucky. I object.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FINANCE SERVICE.

For compensation of clerks and other employees of the Finance Department, $1,454,000: *Provided*, That $500,000 of this amount shall be available only for the compensation and traveling expenses of clerks and other employees engaged on work pertaining to the audit of World War contracts, and of this amount not to exceed $25,000 shall be available for personal services in the office of the Chief of Finance, War Department.

Mr. TAYLOR of West Virginia. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking a question of the gentleman who is in charge of this bill. It is evident that this department needs more money or less money. Its clerical force may be so limited as to cause vexatious delays in the payment of Army bills, or it may be so large that there are needless delays caused by unnecessary duplication. I am led to these observations by the fact that a coal company in my country some time last November sold about 300 tons of coal to the War Department and so far has been unable to collect the money that is justly due it. It seems that this coal company is up against all the red tape that hedges the Finance Department of the Army. This company has written numerous letters to the department and has had me to intercede for it, but as yet we have been unable to get any report as to when this company may expect its money for the coal furnished.

Mr. ANTHONY. The money with which to pay for that coal would not be carried in this paragraph, I will say to the gentleman; but I know of no reason whatever why the company of which the gentleman speaks should not have received its money long before this, if there was no trouble about the contract, because the War Department is supposed to be almost current in the payment of its obligations. That was one of the purposes for the creation of the Finance Service, namely, so that the Government could pay promptly and take advantage of the discounts which prevail in commercial sales.

Mr. TAYLOR of West Virginia. I understand, of course, that the money appropriated by this paragraph would not be used

for the payment of coal bills, but it will be used to pay clerks and accountants whose duty it is to see that bills are promptly paid. I understand that quite recently one of the departments—I believe it was the Interior Department—advertised for bids on 400 tons of bituminous coal, and while there are hundreds of companies in my district that could have furnished this coal, less than 10 of them submitted bids because of the fact that they find it so difficult to collect their money, owing to red-tape requirements. In view of the fact that my district produces the finest bituminous coal in the world and sells it at a reasonable price, I think the War Department and every other governmental agency ought to pay its bills promptly so as to get bids submitted on coal of such excellent quality. If coal companies furnishing coal to the Government are compelled to wait weeks and months for the payment of their invoices, it naturally discourages such commerce and at the same time has a tendency to limit the field of legitimate bidders, and eventually compels the department to pay a higher price for coal. I submit that such dilatory payment is unfair and unjust to the coal companies that submit bids for the furnishing of coal, and in their defense I call attention to and resent such a dilatory way of doing business.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

The Clerk read as follows:

Army transportation: For transportation of the Army and its supplies, including retired enlisted men when ordered to active duty; of authorized baggage, including that of retired officers, warrant officers, and enlisted men when ordered to active duty and upon relief therefrom, and including packing and crating; of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; of necessary agents and other employees, including per diem allowances in lieu of subsistence, not exceeding $4 for those authorized to receive the per diem allowances; of dependents of officers and enlisted men as provided by law; of discharged prisoners, and persons discharged from St. Elizabeths Hospital after transfer thereto from the military service, to their homes (or elsewhere as they may elect): *Provided*, That the cost in each case shall not be greater than to the place of last enlistment; of horse equipment; and of funds for the Army; for the operation and repair of boats and other vessels; for wharfage tolls, and ferriages; for drayage and cartage; for the purchase, hire, operation, maintenance, and repair of harness, wagons, carts, drays, other vehicles, and horse-drawn passenger-carrying vehicles, required for the transportation of troops and supplies and for official military and garrison purposes; for purchase and hire of draft and pack animals, including replacement of unserviceable animals; for travel allowances to officers and enlisted men on discharge; to officers of National Guard on discharge from Federal service as prescribed in the act of March 2, 1901; to enlisted men of National Guard on discharge from Federal service, as prescribed in amendatory act of September 22, 1922; and to members of the National Guard who have been mustered into Federal service and discharged on account of physical disability; in all, $16,400,000: *Provided*, That hereafter payment shall be made at such rates as the Secretary of War shall deem just and reasonable and shall not exceed 50 per cent of the full amount of compensation, computed on the basis of the tariff or lower special rates for like transportation performed for the public at large, for the transportation of property or troops of the United States over any railroad which under land-grant acts was aided in its construction by a grant of land on condition that said railroad shall be and remain a public highway for the use of the United States, and for which adjustment of compensation is required in accordance with decisions of the Supreme Court construing such land-grant acts, or over any railroad which was aided in its construction by a grant of land on condition that such railroad should be a post route and military road, subject to such regulations as Congress may impose restricting the charge for such Government transportation, and such payment shall be accepted as in full for all demands for such service.

Mr. REECE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. REECE: Page 22, line 17, after the word "all," strike out the figures "$16,400,000" and insert: "$16,395,000: *Provided*, That the Secretary of War be, and he is hereby, directed and authorized to transfer to the Department of Agriculture for use in improvement of highways and roads the following war materials, equipment, and machinery out of the reserve stocks, to wit, 1,500 5-ton caterpillar tractors with tools and spare parts, 5,000 motor trucks of 1 to 5 ton capacity, and 500 ordnance mobile machine-shop trucks with tools and spare parts."

Mr. DICKINSON of Iowa. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. What is the gentleman's point of order?

Mr. DICKINSON of Iowa. That the same is legislation on an appropriation bill and does not come within the Holman rule.

Mr. REECE. Mr. Chairman, after submitting the amendment to a different section of the bill on yesterday and, as I understood, it was ruled out of order because of the fact that it was held that none of the disbursements in the upkeep of this material was made under the item to which the amendment was offered on yesterday, I have since then talked with the Director of Finance or with his office, and I am informed that part of this expense is paid out of this item in the bill.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. REECE. Yes.

Mr. MADDEN. Is the gentleman talking now about the bill or the point of order?

Mr. REECE. I am talking about the point of order.

Mr. MADDEN. I just wanted to ask the gentleman whether the War Department had declared the items surplus that he is trying to transfer.

Mr. REECE. They are holding them now in surplus or reserve.

Mr. MADDEN. They are not surplus, are they?

Mr. REECE. According to my opinion.

Mr. MADDEN. We can not declare them surplus here.

Mr. REECE. Some of them are held in surplus.

Mr. MADDEN. The items the gentleman refers to have not been declared surplus and ought not to be considered here even if the amendment was in order.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. DICKINSON of Iowa. Mr. Chairman, it was my understanding that in order to make a transfer of this kind you had to do it in accordance with existing legislation and under the existing law, unless an item has been declared surplus by the Army, you have to have special legislation in order to make the transfer. There is no showing here that there is any surplus of any of this equipment, so far as I know, and I was of the opinion that the testimony before the Military Affairs Committee confirmed the view that this is not surplus at the present time in the view of the Army. Unless it is surplus, if we should transfer it under this proviso of the bill, we would be transferring it in violation of the existing law, and for that reason I think a point of order would lie against the amendment. If the amendment said that the transfer should be made from surplus, then I think it might be admissible under the rule.

Mr. ANTHONY. Mr. Chairman, I gravely doubt whether the amendment would be in order under the Holman rule, because if you transfer these items from the reserve the probabilities are they would have to be replaced, and if you take a portion of these trucks or tractors from the number on hand and transfer them there is no certainty at all that that will reduce the amount of this appropriation, because the entire appropriation could be expended for some other purpose.

The CHAIRMAN. Will the gentleman direct his attention to this point? The amendment of the gentleman from Tennessee actually reduces the appropriation covered by the bill, which is the third provision of the Holman rule. It reduces the amount covered by the bill by $5,000.

Mr. ANTHONY. Yes; it arbitrarily reduces it by that amount but practically does not reduce it.

The CHAIRMAN. Does the gentleman claim that the legislation proposed in the amendment which follows is not necessary or is not related to the reduction in the appropriation?

Mr. ANTHONY. I would hold that the langunge of the amendment would constitute new legislation.

The CHAIRMAN. It is new legislation, of course, and the only question is whether or not it comes under the third provision of the Holman rule by reducing the amount of money covered by the bill, which, as a matter of fact, it does.

Mr. ANTHONY. It may technically reduce the amount of money covered by the bill, but if it takes material out of the reserve the probabilities are it will have to be replaced by new material which would be paid for out of the appropriation.

Mr. REECE. Not at all.

The CHAIRMAN. The difficulty with the Chair is the disposition the gentleman's amendment seeks to make of the property. If it disposed of it entirely, so that the maintenance charge would surely and necessarily be reduced, then it would be clear, but whether or not the legislation proposed by the amendment does in effect so dispose of the property or whether or not there will be the same expense to maintain it when transferred to a different department——

Mr. REECE. I should think, Mr. Chairman, there should be no difficulty about that, because it leaves the jurisdiction of the War Department, and, of course, the expense of storage and of upkeep, which must now be necessarily incurred, is going to be done away with.

Mr. JOHNSON of Kentucky. Mr. Chairman, I was wondering, since this amendment would reduce auctioneer's fees, whether or not it would come under the Holman rule as a reduction of expenses.

The CHAIRMAN. Is the gentleman directing a serious parliamentary inquiry to the Chair?

Mr. JOHNSON of Kentucky. Certainly.

The CHAIRMAN. The Chair is not convinced that the gentleman's amendment really makes any retrenchment at all, and, of course, if the reduction in the amount covered by the bill is purely an arbitrary reduction, with no relation to the legislation carried, the Chair would not be able to hold it in order.

Mr. REECE. But, Mr. Chairman, if I may add, the trucks, for instance, referred to in this bill, some of them, are now over at Camp Holabird. Here are some photographs of them. In order to keep the motors in these trucks from jamming with rust, and becoming completely ruined, it is necessary that men be kept on the pay roll to go out and turn over the motors and take care of the trucks. They are being put to no use. When they are transferred to the Department of Agriculture and distributed to the various State highway commissions to be used in road building, then, of course, these employees can be done away with and the money that is paid for storage space for these trucks can be saved.

Mr. WINGO. Will the gentleman yield?

Mr. REECE. I will.

Mr. WINGO. Does the gentleman's amendment provide for the distribution? Does not it provide for the transfer from one department to another? Will it take any less oil to grease it under the Agricultural Department than under the War Department?

Mr. REECE. I think if the gentleman will read the amendment he will find that the material is to be turned over to be used for road building.

Mr. WINGO. But if they are still to be retained, is it not the presumption that if they are used they will take still more oil than it takes to keep them now?

Mr. REECE. No; they will be distributed to the States.

Mr. WINGO. Does the amendment provide for the distribution? Does your amendment compel the distribution, or just make them available for the Agricultural Department? They are now held by the War Department as a reserve, and the gentleman's amendment transfers them to the jurisdiction of the Agricultural Department, making them available for use and distribution or keeping them, as the Agricultural Department may decide.

Mr. ROACH. I think it goes further and directs the distribution to the several States.

Mr. WINGO. I have read the amendment and I did not notice that there was any provision compelling their distribution.

Mr. REECE. There is no question as to the purpose they will be put to.

Mr. WINGO. I think they should be distributed before the spring primaries. [Laughter.]

The CHAIRMAN. The amendment seems to do no more than to transfer the property from one department to another. Therefore it does not appear on the face of it that the legislation would have the effect of reducing or retrenching expenditures, although it does reduce the amount carried in the bill. To be in order it must be such an amendment as to retrench expenditure. There is where the gentleman fails to connect up the legislation.

Mr. REECE. Mr. Chairman, in that case I ask unanimous consent to revise the amendment by adding that they are to be distributed to the various States under the Federal law for assistance in building roads.

Mr. O'CONNOR of Louisiana rose.

The CHAIRMAN. If the gentleman from Tennessee will revise his amendment, he may do so. In the meantime the Chair will sustain the point of order. The paragraph will not be immediately passed, as the gentleman from Louisiana has asked for recognition.

Mr. O'CONNOR of Louisiana. Mr. Chairman, to use a trite expression, necessity is the mother of invention. Ordinarily I would move to extend and revise my remarks and then incorporate the page that I am going to try to read into the RECORD, but I know that that motion would be objected to, as similar requests have been refused, and therefore I will have to try another tack and ask at the conclusion of these preliminary remarks that I be permitted to read it. It will be necessary to make a few remarks to introduce it if no objection is offered, hence the following observations. Of course, the financial size of the military bill and the naval bill demonstrates to the satisfaction of thousands of people that even in peace times war establishments are very costly and bear heavily upon the taxpayers of the country. But there are others who see life steadily and surely, and who understand that we must be prepared for the day when war's alarm will sound again throughout the world. The blast of the bugle followed by the cannon's roar may not be heard to-morrow or the next day, but Moloch will order war within the next quarter of a century at the furthest. So in all probability they that demand preparedness are right, and we should take the necessary steps to protect the country and not be found asleep when the dread summons comes again to "fall in and then fall out in the smoke of battle."

Yes, there are vast expenditures being made from a military and naval standpoint; and in all probability the best thing the naval and military authorities can do is to study new methods by which they can and should meet the propaganda that will be urged against them in the next few years, crying aloud persistently and sophistically, with a powerful appeal to big taxpayers, for a reduction of armaments and thereby reduce taxation and ease the burdens upon the people.

The professional propagandist for the reduction of taxation has come into existence. Perhaps he was born of necessity to check and curb what many believed to be a saturnalia of extravagance. But, having been born, he wants to live, and to do so he must justify his existence. Analogously to the man-eating tiger who once having tasted human blood constantly thereafter craves it, the professional propagandist, having been financially requited for his intellectual efforts, will demand more employment and will seek the means and basis to justify it. Look out, therefore, Army and Navy, for a tax-reduction attack which will require your best talent and genius to defeat.

Of course, I understand thoroughly as a desultory, student of history that the days of war are not over. From the period beginning 1,500 years before the birth of Christ down to the present time there have been but 237 years of peace, and they were years devoted to the preparation of wars that followed. Historians do not go much further back than 1,500 years before Christ, because they know very well that the period that went back from thence to the sunrise of history was crimsoned with the blood of humanity that reddened the earth and the seas during the many generations that agonized during that long night of despair.

We are not going to escape wars for many centuries to come. The millenium is as far off as ever, and thoughtful men who want to see their country live after they die demand that we adopt measures that will protect our soldiers and the people that must in one way or the other participate in the wars from those things that are necessarily associated with every war and cause more deaths than the fatalities on the field of battle—disease in the lines and behind the lines—and disease can be met by medical science and be defeated by it.

Medicine and her great disciples and handmaidens, sanitation and hygiene, will decide the next great struggle, as all other things will in all probability be equal.

Now, the page that I hope you will permit me to read to you is prepared by a splendid gentleman who has lived long in New Orleans and has endeared himself to her people, Dr. George H. Tichenor by name. I am going to be very frank with you and say that his friends have asked me to put his remarkable paper, entitled "America at the Mercy of Other Nations in Case of War—Need of Standardized and Simplified Medicaments," in the RECORD. He is a big man from every standpoint, has worked long among our people, and has already won the reward of "Well done, thou good and faithful servant," and I hope you will indulge me and permit me to read into this preliminary address his paper. The language of it is simplicity itself and will appeal to Members. The title is appealing—"America at the Mercy of Other Nations in Case of War—Need of Standardized and Simplified Medicaments." It is an attractive alarm and calls Americans to attention.

Mr. MADDEN. Mr. Chairman, I will interrupt the gentleman long enough to ask if he is talking to the bill.

Mr. O'CONNOR of Louisiana. Oh, yes. This paragraph is with reference to wagons, horses, and every imaginable thing deemed necessary for the purpose of conducting war, and before the proviso is the concluding sentence—"and to members of the National Guard who have been mustered into Federal service and discharged on account of physical disability.

I think that medicaments are related even in a parliamentary way to "discharged on account of physical disability."

Mr. MADDEN. Does the gentleman mean medicine?

Mr. O'CONNOR of Louisiana. The word used here is "medicaments," and I have given the word the proper pronunciation. I looked in the dictionary upon the word, because I thought that somebody like the gentleman from Illinois might probably ask me, of course facetiously, if that were the correct pronunciation, as it is a word that is rarely used, I suppose, outside of medical works and conversation.

Mr. MADDEN. It seems to me that we ought to confine our debate to the bill.

Mr. O'CONNOR of Louisiana. And it seems to me that I am confining it pretty closely to the bill.

Mr. MADDEN. How long is the gentleman going to talk?

Mr. O'CONNOR of Louisiana. Just as long as the Chairman will permit me to do so. I hope the gentleman from Illinois will not make any objection to it. It is only one page, and I would like to get it into the RECORD.

Mr. MADDEN. I am going to object to anybody talking outside of the bill after this.

Mr. O'CONNOR of Louisiana. But that would indicate that the gentleman thinks that my remarks are irrelevant and I do not agree with him.

Mr. MADDEN. Oh, I know the gentleman never agrees with anybody when he has his mind set on a thing.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. O'CONNOR of Louisiana. Then I shall have to move to strike out something else.

Mr. JAMES. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the amendment which I offered some time ago.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. O'CONNOR of Louisiana. And, Mr. Chairman, in order to avoid moving to strike out something else, I ask unanimous consent that I may be permitted to finish my remarks by incorporating this one page of matter.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MADDEN. I have no objection to that.

Mr. JOHNSON of Kentucky. Mr. Chairman, is a unanimous-consent request pending?

The CHAIRMAN. There is not.

Mr. BLANTON. Mr. Chairman, I desire to offer an amendment.

Mr. REECE. Mr. Chairman, I have an amendment pending which I desire to offer.

The CHAIRMAN. An amendment is offered by the gentleman from Tennessee, which the Clerk will report.

Mr. JOHNSON of Kentucky. Mr. Chairman, I thought I heard some one asking unanimous consent, and immediately I appealed to the Chair and he tells me that no such thing has been asked.

Mr. O'CONNOR of Louisiana. I did ask unanimous consent.

Mr. JOHNSON of Kentucky. I thought that two gentlemen asked unanimous consent.

The CHAIRMAN. That is correct, and the request was submitted to the committee, and the Chair heard no objection.

Mr. JOHNSON of Kentucky. Oh, I beg the Chair's pardon. I was on my feet clamoring for recognition in the confusion to ask if there was such a request for the purpose of objecting.

The CHAIRMAN. In the midst of the confusion the Chair did not observe the gentleman from Kentucky. If the gentleman was on his feet, the Chair will put the question again. Is there objection to the request, first, of the gentleman from Michigan to extend his remarks in the RECORD?

Mr. JOHNSON of Kentucky. I object, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana to extend his remarks in the RECORD?

Mr. JOHNSON of Kentucky. I object.

Mr. JAMES. This was on an amendment that I offered some time ago, I would say to the gentleman from Kentucky.

Mr. REECE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. REECE: Page 22, line 17, after the word "all," strike out the figures "$16,400,000" and insert "$16,395,000: *Provided*, That the Secretary of War be, and he is hereby, directed and authorized to transfer to the Department of Agriculture, under the provisions of section 7 of the act approved February 28, 1919, entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year 1920, and for other purposes,' and acts amendatory thereto, for use in improvement of highways and roads, the following war materials, equipment, and machinery out of the reserve stocks, to wit: One thousand five hundred 5-ton caterpillar tractors, with tools and spare parts; 5,000 motor trucks, 1 to 5 ton capacity; and 500 ordnance mobile machine shop trucks, with tools and spare parts."

Mr. ANTHONY. Mr. Chairman, I make the point of order that the amendment of the gentleman changes the existing law. Now, the Secretary of War alone has the power to declare articles surplus in the War Department, and the gentleman would take that power away from the Secretary of War to declare articles surplus.

The CHAIRMAN. The gentleman claims that it is done under the Holman rule, and it reduces expenditure. It does reduce the amount in the bill, but——

Mr. MADDEN. It does, but it does not with any logic.

The CHAIRMAN. It is a question of expenditure——

Mr. ANTHONY. As I said to the Chair before, if he offers an amendment which wipes out the Army supply of motor trucks available in reserve and we have to have more money to buy new ones, it is obviously not a retrenchment but an additional expense.

Mr. REECE. That is what it does not do.

Mr. MADDEN. It does reduce the appropriations, but it does not make the reduction apply to the activities and connect up the legislation with the activities.

Mr. REECE. I do not have the exact amount by which this proposed amendment will reduce expenditures of the War Department, but it will reduce them to a very considerable amount, but in order to be fair to the department, gentlemen of the committee, I made arbitrarily a small reduction. The reduction may be even much greater than that provided for in the bill.

Mr. MADDEN. The gentleman has not any figures upon which he bases his reason for it?

The CHAIRMAN. In order to make an amendment in order under the Holman rule the gentleman must comply with the requirements that it be germane to the subject matter of the bill and shall retrench expenditures in one of three ways, one of which is by a reduction of the amount of money carried in the bill. Now, the gentleman complies with the latter portion, but whether the retrenchment is an actual fact or not is a question.

Mr. GARRETT of Tennessee. Mr. Chairman, I always feel sorry for a Chairman who has to pass on a point of order made under the Holman rule. It is so involved as to make it extremely difficult, probably even more difficult than to pass on the question of germaneness, because germaneness is also involved along with the Holman rule, but I have this general idea about the matter, and that is that where the legislation that is contained in an amendment proposed is offered it must be so connected with the reduction as to be germane to that reduction; and, much as I am in sympathy with the desire of my colleague from Tennessee, I question very much whether the legislation he proposes is germane to the reduction proposed.

The CHAIRMAN. That is the very point that is puzzling the Chair and the Chair has been unable to connect up the two in such a way as to make the amendment in order.

Mr. LONGWORTH. And is it not also a practice, in case an amendment of this sort is offered that apparently reduces the amount in the bill and leaves a doubt whether it is an actual saving, that the burden of proof lies upon the proponent of the amendment to show conclusively that it does effect a reduction?

The CHAIRMAN. Yes; that is what the gentleman is called upon to do under the usual practice of the House.

Mr. REECE. Mr. Chairman, after the amendment was submitted on yesterday and the question was raised that the disbursement made for the upkeep of this surplus material was not made from under the item to which the amendment was offered, I conferred with the office of the Director of Finance and he informed me that disbursements were made from under this section for the upkeep of surplus material; and in conversation I inquired whether disbursements were made for the upkeep of these surplus trucks now over at Camp Holabird, to which I referred a moment ago, and he advised me that such disbursements were made from under this paragraph of the bill, and therefore it seems to me that the two propositions are connected.

The CHAIRMAN. The Chair has tried to follow closely everything the gentleman from Tennessee has said and is still unable to so connect the proposed legislation with the reduction of the appropriation as to bring the legislation under the Holman rule, and therefore sustains the point of order.

The Clerk read as follows:

MILITARY POSTS.

For the construction and enlargement at military posts of such buildings as in the judgment of the Secretary of War may be necessary, including all appurtenances thereto, $428,332, including $43,332 for

improving the heating system at Fort Sill, Okla., and $385,000 toward the construction of a barrack building for one regiment of Infantry at Fort Benning, Ga.

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: Page 25, line 19, after the word "Georgia," strike out the period and add the following: ", and the Secretary of War is hereby authorized to enter into a contract or contracts or otherwise incur obligations of not to exceed $1,115,000, exclusive of the amount appropriated herein, for the completion of the said barrack building for one regiment of Infantry at Fort Benning, Ga."

Mr. ANTHONY. Mr. Chairman, I reserve a point of order on that.

Mr. WRIGHT. Mr. Chairman and gentlemen of the committee, this amendment is offered in the interest of economy. It happens that this Infantry School of Arms is located in my district. I am very familiar with the situation at the school, and I know the need for this construction.

Now, you will find from the hearings that it is the purpose of the War Department, in its construction program, to build at this place a barrack building which they estimate will cost a million and a half dollars, and that with this $385,000 which the bill carries it is proposed to construct one side, or simply one unit, of this building in the coming fiscal year, and from time to time they hope to secure appropriations with which the building can be completed. This matter was very thoroughly canvassed in the committee. I will read from the hearings on this subject:

Mr. ANTHONY. It really means that they intend first to embark on the construction of a regimental barrack and only build one-third of it?

Colonel CASEY. Yes; I will explain, sir. There is a well-defined study, which has been thoroughly made by the Secretary of War's office in conjunction with the Quartermaster General's office, and it is my impression that the Secretary intends to submit that as the housing program for the Army at large. This program will contain a progressive construction scheme, and in which each building to be built and each post to be improved will be provided for in this study.

The first item that the War Department desires to present and the one that is considered the most necessary is the barrack building at Fort Benning. This is to be a building, when finished, for one regiment of 2,110 men, and with the amount of money that we are allowed this year for new construction we propose to build as much of that barrack building as we can get for the money. It will provide for about 550 men. We may get a little bit more.

Further on Mr. ANTHONY says:

Mr. ANTHONY. Do you not think it would be economy to ask for bids for the entire construction rather than to ask for bids for one-third of it?

Colonel CASEY. Personally I think it would, sir; but we are only allotted $385,000.

Mr. ANTHONY. If we are going ahead on the building project there and it is made for regimental construction, why not take that under consideration?

Colonel CASEY. It would be economy to put it all up at once, undoubtedly.

Mr. JOHNSON. So that is to be a permanent camp, is it?

Colonel CASEY. Yes; it is the Infantry School.

Mr. JOHNSON. Is it advisable to take so many bites in the cherry? Why not go ahead and build the thing?

Colonel CASEY. We would gladly do it, sir.

Mr. JOHNSON. Well, Congress can do it if it can get sufficient reasons to warrant its doing so.

General BELLINGER. The Budget officer does not think we should spend so much money per year.

Mr. JOHNSON. Congress might think otherwise.

General BELLINGER. That is it. We are perfectly willing.

Colonel CASEY. Of course, we can see that it is much more economical.

Mr. JOHNSON. How much more economical do you think it would be to build the whole thing at once instead of biting at it?

Colonel CASEY. I can insert the accurate figures in the record. It will save more than the money, sir. It will save the use of the buildings, and it will afford an opportunity for the training of the men.

Mr. JOHNSON. It is your opinion, then, that it is false economy to do that building on the installment plan?

Colonel CASEY. That is my opinion; yes, sir.

Then he was asked for some figures on the estimated cost that would be saved if the entire building were let out at contract at one time. Colonel Casey says further:

ESTIMATED SAVINGS IN CONSTRUCTING BUILDING AS A WHOLE.

Colonel CASEY. He asked me to give him some information on the probable saving to the Government to construct this building as a whole the first year, rather than by increments. I have asked the estimator to give me this data. Figuring on putting up this building all under one contract, it is estimated that the contractor's overhead and other things, considered as to the desirability of getting this large contract, we ought to save about from $40,000 to $50,000 on the contract price alone. In addition to that, there will be certain incidental savings by constructing this building at one time. The cost of tentage alone is a considerable item. The report of the officer of the Inspector General's Department for one year, from April, 1921, to April, 1922, was that $209,000 was spent for tentage at this post.

Mr. ANTHONY. This tentage cost approximately $56 per man per annum?

Colonel CASEY. Per man per year; yes, sir.

Mr. ANTHONY. How long does a tent last in that climate?

Colonel CASEY. About six months, when under permanent use. There are 3,100 men in tentage, or a little over that, but taking approximately 3,000 men, and, say, approximately $60 a man per tent per year, that would make $150,000 a year for tentage. That money is gone.

There are other incidental savings in the maintenance and in the costs of the utilities. We will save something on coal and light and deliveries and that sort of thing. That is all aside from the comfort and convenience. Suppose we take the 2,110 men for which this barrack is being provided and stretch this over four years; say, we take four increments to build it—and I have deducted from this the amount that we would build each year—the savings in tentage would be $200,480. This and the estimated savings that we would get from the contractor of $50,000 would make it about $250,000, and I think a fair estimate of the savings on the utilities would be probably $5 a man, or something like $10,000; so a reasonable estimate of the savings would be $260,000.

Mr. JOHNSON. There would be that much saving on an investment of what amount? What would be the total cost of the building?

Colonel CASEY. $1,500,000, sir.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. ANTHONY. Mr. Chairman, I make the point of order on the ground that it carries new language and new legislation and ask authority to execute contracts.

The CHAIRMAN. The gentleman from Georgia, I suppose, will not contend that it is not legislation?

Mr. WRIGHT. No. But I contend that it will result in economy.

The CHAIRMAN. On its face that is not disclosed. The Chair will have to sustain the point of order.

Mr. HUDSPETH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Page 25, line 19, at the end of the line add the following: "*Provided*, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $366,000 for the acquisition of 3,613 acres of land adjoining the Fort Bliss Military Reservation in Texas as an addition to said Fort Bliss Military Reservation for maneuvering and drill grounds and other military purposes."

Mr. ANTHONY. Mr. Chairman, I reserve a point of order on that amendment.

Mr. HUDSPETH. I would like to ask the gentleman from Kansas to make his point of order, because if my amendment is not germane to this section I would like to offer it to another section.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HUDSPETH. I do not think it is subject to a point of order.

The CHAIRMAN. The Chair would be glad to be enlightened.

Mr. HUDSPETH. I will try to illuminate the Chair to a certain extent by stating a decision by a distinguished gentleman, Mr. Towner, on an amendment similar to this.

The section, Mr. Chairman, is for the enlargement of military posts. Now, this amendment provides for the purchase of additional land adjoining a military reservation—Fort Bliss, Tex.

I want to call the attention of the Chair to the fact that in the Sixty-sixth Congress an amendment was offered by the gentleman from Texas, Mr. Bee. I can give the Chair, if he desires, the volume in which he can find that amendment. It is volume 59, part 6, of the RECORD, page 5739.

Mr. Towner, of Iowa, was in the Chair. I remember distinctly that the gentleman from Texas, Mr. Bee, offered an

amendment for the purchase of land adjoining the Leon Springs Military Reservation. I think the gentleman from Illinois [Mr. MADDEN] made a point of order against the amendment, and after considering the question for one day the Chair held that, as it was for the purchase of land adjoining a reservation already established, it was in order, and so held.

That is what I am seeking to do. I am seeking by this amendment to provide for the purchase of additional land adjoining an established military post—Fort Bliss.

The CHAIRMAN. That is not all of the gentleman's amendment, however.

Mr. HUDSPETH. I submit it is clearly in order.

The CHAIRMAN. There is one other point the gentleman has not touched at all.

Mr. HUDSPETH. I will state to the Chair that the amendment offered by the gentleman from Texas, Mr. Bee, at the time Mr. Towner held it was in order was not to this exact section; it was offered to another section, but it did propose the purchase of additional land adjoining a military reservation.

Mr. ANTHONY. If the Chair will permit, I call attention to the fact that the amendment would not be germane to this paragraph, because the paragraph is "For the construction and enlargement at military posts of such buildings," and so forth. There is nothing in the paragraph in regard to the purchase of land.

Mr. HUDSPETH. I will state that this paragraph provides for the enlargement of military posts, and that is what I am seeking to do.

Mr. ANTHONY. But the language is "For the construction and enlargement at military posts of such buildings."

The CHAIRMAN. That is the point to which the Chair was going to direct the attention of the gentleman from Texas. It appears to the Chair that the gentleman's amendment embarks on an entirely different enterprise than that set out in the paragraph, and if that is all the illumination the gentleman from Texas can give the Chair, the Chair will be compelled to sustain the point of order.

Mr. HUDSPETH. Then I will offer the amendment at another place, and at that place I think it will be in order.

The CHAIRMAN. The Chair will cross that bridge when it is reached.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. Fort Benning is an Artillery post, is it not?

Mr. ANTHONY. No; it is an Infantry post.

Mr. LAGUARDIA. Was it not originally an Artillery post?

Mr. ANTHONY. No; it has always been an Infantry post.

Mr. LAGUARDIA. Have they not sufficient barracks there at present?

Mr. JOHNSON of Kentucky. If I may be pardoned, they are living in tents.

Mr. ANTHONY. It was never contemplated at the start that Benning should be other than a camp, a field camp for Infantry maneuvers, but the tendency now is to convert it from a post of that character into a permanent post. For the most part, the buildings now there are of a temporary character.

The CHAIRMAN. The pro forma amendment is withdrawn and the Clerk will read.

The Clerk read as follows:

SHOOTING GALLERIES AND RANGES.

For shelter, grounds, observation towers, shooting galleries, ranges for small-arms target practice, machine-gun practice, field, mobile, and railway artillery practice, repairs and expenses incident thereto, including flour for paste for marking targets, hire of employees, such ranges and galleries to be open as far as practicable to the National Guard and organized rifle clubs under regulations to be prescribed by the Secretary of War, $37,400.

Mr. HUDSPETH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Page 28, line 26, at the end of the line add the following: "*Provided*, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $366,000 for the acquisition of 3,613 acres of land adjoining the Fort Bliss Military Reservation in Texas, as an addition to said Fort Bliss Military Reservation, for maneuvering and drill grounds, target practice, artillery practice, and other military purposes."

Mr. ANTHONY. Mr. Chairman, I reserve a point of order.

Mr. HUDSPETH. Mr. Chairman, I wish the gentleman would make it, because if it is subject to a point of order, of course, I do not want to take up the time of the committee in discussing it.

Mr. ANTHONY. Then I will make the point of order that it is not germane to the paragraph.

Mr. HUDSPETH. Now, Mr. Chairman, if the Chair will hear me, here is the volume of the RECORD and the page on which Mr. Bee, to this very paragraph, offered an amendment for the purchase of certain land, and I will read to the Chair the language of the amendment:

Amendment offered by Mr. Bee: Page 40, line 25, at the end of line 25, add the following: "*Provided*, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $88,880 for the acquisition of land as an addition to the Leon Springs Military Reservation in Texas."

It was offered to the paragraph "For shelter, grounds, shooting galleries, ranges for small-arms target practice, machine-gun practice, field artillery practice, repairs, and expenses," and so forth, and Mr. Towner, who was then in the chair, in an opinion, well considered, in which he asked that the matter go over for one day in order that he could view the parliamentary situation and study it, held that the amendment was in order.

The CHAIRMAN. The reservation of which the gentleman speaks at El Paso is one that is authorized by law?

Mr. HUDSPETH. Yes, sir; an old established post, I will state to the Chairman.

The CHAIRMAN. The gentleman does not happen to have the fundamental law under which that post was established?

Mr. HUDSPETH. I have looked it up in times past, Mr. Chairman. It was established, I think, way back in 1859, before the Civil War. Certainly, it was established by authority of law.

The CHAIRMAN. Does the gentleman from Kansas wish to be heard?

Mr. ANTHONY. I call the attention of the Chair to the fact that there is no purchase of land contemplated by the language of the existing paragraph. The appropriation all goes for other purposes than to buy land. I do not think there is any authority in the language of the paragraph to purchase land.

Mr. HUDSPETH. I call the attention of the Chair to the fact that in the Sixty-eighth Congress when the bill was under consideration there was no provision in it at that time for the purchase of land, and yet this amendment by Mr. Bee was offered to this paragraph, the identical paragraph I am offering this amendment to, and Mr. Towner held that it was in order.

The CHAIRMAN. The gentleman claims this is an extension of a post already authorized.

Mr. HUDSPETH. Yes, sir; already authorized by law.

The CHAIRMAN. And that it is land necessary to the proper performance of the military function for which that post was established?

Mr. HUDSPETH. Yes, sir.

Mr. LONGWORTH. Mr. Chairman, is that under the theory that this would be a continuation of a public work?

The CHAIRMAN. As the Chair understands, that is the contention of the gentleman, that this is for an extension of a military reservation already authorized by law.

Mr. LONGWORTH. Oh, Mr. Chairman, I do not think it has ever been held that an addition of land to an existing military or any other sort of reservation is a continuation of a public work.

Mr. WINGO. That is just exactly what Mr. Towner held.

Mr. LONGWORTH. If that were true, it would then be in order to buy an unlimited amount of land anywhere, so long as it was contiguous to a military reservation. Surely that is not a continuation of a public work.

Mr. WINGO. I will say to the gentleman that that was the very ground upon which Mr. Towner overruled the point of order—that it was adjacent to the Leon Springs Reservation and was in order as a continuation of a public work. That was the ground on which Mr. Chairman Towner upheld the Leon Springs addition.

The CHAIRMAN. The gentleman from Arkansas correctly states what seems to the Chair, from such observation as the Chair has been able to give it, to have been the decision of Chairman Towner, but the Chair would like to look up some other decisions.

Mr. ANTHONY. Mr. Chairman, I still contend it is not germane to the paragraph because there is nothing in the paragraph that authorizes the purchase of land.

The CHAIRMAN. Of course, the gentleman can meet that by inserting a new paragraph.

Mr. ANTHONY. The purpose of the language of the paragraph is not to authorize an expenditure of money for the purchase of additional land.

Mr. WINGO. I will state to the Chair that the language of the paragraph at that time, to which the amendment providing for the Leon Springs addition was offered, is identical in everything, even punctuation, except the amount was $50,000, whereas in the present bill the amount is $37,400, and Mr. Chairman Towner says:

If the purchase proposes the addition of a separate and distinct tract of land not adjoining and appurtenant to the Leon Springs Reservation, the point of order should be sustained; if the addition is adjacent to the Leon Springs Reservation it is in order as a continuation of a public work. There is no method of enlarging any public work that is situated as it must be upon land except by amendment to existing law.

I think this is identically the same question, I will say to the Chair.

Mr. LONGWORTH. Will the gentleman yield?

Mr. WINGO. Certainly.

Mr. LONGWORTH. Would the gentleman hold that it would be in every case a continuation of an existing public work if any amount of land were bought so long as it was adjacent to that particular military reservation?

Mr. WINGO. I do not quite catch the gentleman's question.

Mr. LONGWORTH. I understood the gentleman to say that under the decision of Judge Towner the mere fact that the land was contiguous to a military reservation made it necessarily a continuation of a public work.

Mr. WINGO. Yes; because the words "continuation of a public work" does not mean necessarily a constructive work. The gentleman may recall that at one time I, as Chairman of the Committee of the Whole, had that question before me and rendered an opinion. This paragraph provides for shelter, ground, observation towers, shooting galleries, and so forth. Of course, the Chair will take judicial notice of the purpose for which the grounds are used, and that it is for the same purpose mentioned in the paragraph, and it does provide for shelter, grounds for shelter, and grounds for ranges, shooting galleries, and so forth. The proposition of the gentleman from Texas is to add to the reservation that is used for this purpose lands that are adjacent to it. In other words, that would be a continuation by enlargement of the plant that is already in existence under authority of law.

Mr. LONGWORTH. Does the gentleman contend that in any case a purchase of land, no matter how large or how unnecessary, provided only it is contiguous to a military reservation, would make it in order?

Mr. WINGO. I did not say that. I would not say that in any case, because it might be a case where the purchase of the land had absolutely nothing to do with the paragraph, and the question of germaneness would come in.

Mr. LONGWORTH. The gentleman did not quite understand me. Is the test of whether the amendment is in order that it provides for land contiguous to an existing military reservation?

Mr. WINGO. I think the question of adding adjacent lands to an existing Army post or plant of the Government is similar to the repairing of a building that belongs to the Government.

Mr. LONGWORTH. I want to call the Chair's attention to the fact that if all amendments were construed in the way suggested by the gentleman from Arkansas it would be in order to add at any time an indefinite amount of land to any Government post or reservation as long as it was contiguous to that particular piece of land, and the Chair, according to the gentleman, would take judicial notice of the fact that it was contiguous.

Mr. WINGO. No; the amendment provides that it is adjacent. The same distinction applies as it would if it was a separate new post-office building, which would be a different proposition, but it would be in order to provide for the repair of a building that was in course of construction.

Mr. LONGWORTH. Suppose we had a military reservation which was practically not used at all, or very little used, containing 1 square mile, would it be the contention of the gentleman that it would be in order to offer an amendment to acquire ground adjacent extending 100 square miles so long as it was adjacent?

Mr. WINGO. The gentleman means whether or not on the merits of the proposition it is wise or unwise enters into the point of order. I contend that it does not.

This amendment may be unwise, I do not know; but as long as it provides for making additions to an existing plan, it is a public work already in existence, and the words "public work" do not necessarily mean constructive work. The gentleman, I presume, is familiar with that distinction.

Mr. LONGWORTH. Decidedly.

Mr. WINGO. It does not have to be construction going on, but if it is repair or an addition to an existing plant it is a separate and distinct thing from the proposal to erect a separate and distinct building. As long as it is in the enlargement of an existing plan, whether that plant be a military reservation or a public building or a string of revetments on a river—and the question has come up on river work—then it is the continuation of a public work already in existence.

Mr. LONGWORTH. Mr. Chairman, I must say that I am not familiar with any decision, unless it is the particular decision noted, that holds that the purchase of land is necessarily a continuation of a public work, provided the land is adjacent to that particular public work. It seems to me that is extending the rule beyond all reason.

Mr. JOHNSON of Kentucky. Mr. Chairman, I wish to say that it has been held over and over again that where property is adjacent to other property—for instance, as a school property—and is in operation, the point of order does not lie. Points of order have been overruled many times where they seek to acquire property adjoining that already owned and operated. The property sought to be acquired here adjoins property that the Government already owns and is operating, and the precedents, while wrong in my judgment, thoroughly establish this right.

Mr. ANTHONY. Mr. Chairman, if the gentlemen are finished with their arguments on this, I move that the committee do now rise, and we may have a decision of the Chair in the morning.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee has had under consideration the bill H. R. 7877, the War Department appropriation bill, and had come to no resolution thereon.

INDEPENDENT OFFICES APPROPRIATION BILL.

Mr. MADDEN, by direction of the Committee on Appropriations, reported the bill H. R. 8233 (Rept. No. 380), making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1925, and for other purposes, which was read a first and second time and, together with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. BLANTON. Mr. Speaker, I reserve all points of order on the bill.

Mr. HOWARD of Nebraska. Mr. Speaker, I rise to suggest that there is no quorum present.

The SPEAKER. Will the gentleman withhold that for a moment until the Chair presents a request for unanimous consent?

Mr. HOWARD of Nebraska. I shall do anything that the Chair wishes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DENISON, for three weeks, on account of important business.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 225. An act to extend the benefits of the United States employees' compensation act of September 7, 1916, to Edward N. McCarty; to the Committee on Claims.

HOUR OF MEETING TO-MORROW.

The SPEAKER. The gentleman from Nebraska makes the point of order that there is no quorum present.

Mr. LONGWORTH. Mr. Speaker, will the gentleman withhold that for a moment until I present a request for unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow morning at 11 o'clock, in order to facilitate the passage of this bill?

Mr. HOWARD of Nebraska. I shall, although I do not like to.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, if we meet at 11 o'clock to-morrow I hope the gentleman from Kansas will be liberal with us in our discussion of certain points of order that we desire to make.

Mr. ANTHONY. I always try to be liberal in that respect.

Mr. HUDDLESTON. Mr. Speaker, has the gentleman consulted the minority leader in that respect?

Mr. LONGWORTH. I have not; but I am very certain that it will be agreeable to him, because I have consulted various members of the Committee on Appropriations.

Mr. HUDDLESTON. Is it expected that we shall proceed with this bill?

Mr. LONGWORTH. Oh, yes; with this bill. There is nothing before the House this week except this bill and the appropriation bill to follow.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD which I made to-day.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. I object.

Mr. THOMAS of Oklahoma. Mr. Speaker, I ask unanimous consent to print in the RECORD as a part of my remarks a letter from the governor of the Federal Reserve Board giving some figures about the expenses of the several Federal reserve banks.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, I am constrained to object.

RELIEF FOR DISTRESSED AND STARVING WOMEN AND CHILDREN OF GERMANY.

Mr. THATCHER. Mr. Speaker, I have favored the joint resolution authorizing the appropriation of a sum, not exceeding $10,000,000, "or so much thereof as may be necessary," to be expended under the direction of the President "for the relief of the distressed and starving women and children of Germany." I shall state a few of the reasons why I am for the proposed relief.

First. From the best information obtainable it is clearly shown that dire distress and conditions of slow starvation among a very large number of the women and children of Germany actually exist. The testimony of conservative and well-informed witnesses is to this effect. I refer especially to the statements made by Mr. Hoover, Secretary of Commerce, and by my distinguished fellow Kentuckian, Gen. Henry T. Allen, recently in command of the American Army in the occupied German area. Surely no one can doubt the capacity of these splendid Americans to judge of the actual conditions and needs of the women and children of Germany.

Mr. Hoover's great work in administering American relief to starving Belgians and others of the war-stricken areas of Europe, eminently qualifies him as a witness; and because of the fact that General Allen is fresh from the German soil and has the advantage of several years of first-hand, intimate knowledge of the conditions in Germany, he, also, is a witness of the highest, most credible character. Both Secretary Hoover and General Allen have indicated their approval of the proposed relief.

From the testimony of Secretary Hoover given before the House Committee on Foreign Affairs when this measure of relief was being considered, the following quotations are made:

* * * There is large unemployment both in the Ruhr and in the urban areas and the cities in unoccupied Germany. The wild fluctuations in the cost of living and wages and the gradual increase of unemployment arising in the Ruhr from the passive resistance to the occupation and the shortening of raw materials to the rest of Germany have, of course, projected an enormous amount of unemployment and destitution in the working classes. That destitution has its worst results in shortening the purchasing power for those elements in the food supply that peculiarly affect children. One of the first effects of destitution is to reduce the ability to buy the more expensive foods, and thus the consumption of fats and milk of children. This reduction in foodstuffs of that character shows very plainly in German children of the poor in the manufacturing and urban areas and has become undoubtedly very acute. I think you have heard evidence of the men sent over to examine the situation on behalf of various charitable organizations that are at work upon it. But I would like to get clear that there are two quite essentially different questions. The first, the major question of imports, should solve itself in a normal fashion without calling on the American people for this large solution. That is the major problem. The secondary one is purely a question of human charity to individuals impoverished by circumstances beyond their own individual control or beyond the control of their local charities or government.

Mr. CONNALLY. Would solving the first problem solve the second?

Secretary HOOVER. Solving the first one would really in the long run solve it. In other words, if the reparations negotiations succeed, they must provide for the economic recuperation of Germany, the restoration of employment, and thereby automatically relief of destitution among unemployed. So in the long run it would settle the entire problem. Given constructive settlement, the German Government should be able to borrow abroad; and I assume the first obligation of a government is to apply its resources to nourishment for its people, whether due to poverty or otherwise.

Mr. LINTHICUM. Would it be asking too much for you to say how you feel in reference to this bill?

Secretary HOOVER. I can only feel one way about children. I have engaged a very large part of my time and energies for 10 years in remedy of famine and poverty among European children, as well as in major questions of food supply to some 23 different nations in Europe. I have felt that in the larger view the real hope of recovery in the world and rehabilitation of Europe lies in sustaining the children; that it is of primary importance that we should contribute where solution can not be found otherwise to maintain the health and welfare of their children. With a record of having engaged in the relief of somewhere upward of 20,000,000 children in these 23 different countries in Europe, I could not oppose but must support provision against the undernourishment of children anywhere. I can argue very heartily on the failures of adults and the misdoings and misdeeds of the governments that bring these situations about, but I can not apply those arguments against children. Our one hope is that the next generation will be better than this one, and there is no hope if they are to be stunted and degenerate from undernourishment. I recognize the many arguments that may be brought against charitable action either by private agencies or by our Government, but I refuse to apply these arguments to children.

I also quote the following from the testimony of General Allen, given before the same committee:

* * * My attitude toward kaiserism and the ruthlessness of those whose idea was militarism and military conquest is well known, as were my efforts to defeat such.

But, as a peace treaty has been made with Germany, there should be no desire to continue hostility toward the German people, especially the children and newly created constitutional government in that country. They are a virile people who have contributed greatly to the progress of civilization, and the world, it seems to me, needs them with their strength restored. Moreover, owing to the instability of international friendships, this gesture of humanity, such as the people of the United States are now showing, should prove a valuable asset for our Government in its future international relations. Through the opportunities which I have had and from incontrovertible direct information I am informed as to conditions now prevailing in Germany, and these conditions are of a most distressing character. Immediate relief of actual starvation is the problem to which the American Committee for Relief of German Children is devoting its energies.

It is important to realize that the present distress is not of the usual kind. It is the climax of years of development and consequently presents a much larger and more serious problem than would a temporary situation. The approach of the present crisis was indicated four years ago, when we were feeding under far less impelling conditions 11,000 undernourished children in our bridgehead and when the French were feeding German children at their soldier kitchens. Even now General De Goutte is feeding the German hungry at 122 soldier kitchens.

* * * As has been aptly said, it is always the children who are ground in the mills of international disputes. * * * We are, however, chiefly concerned about the German children. Reports pointed to so distressing a condition among them that an American committee, of which I am chairman, was formed to provide relief. That committee is cooperating with the American Friends (Quakers) Service Committee, which is charged with the purchase and distribution of all food.

* * * Among children of school age, the crisis is such that there is lack of breakfast and often of lunch for these children. There is also lack of shoes and stockings, underclothes, and winter coats, and undersized, pallid, listless, thin children seem but the natural result.

Also among these children there is a prevalence of tuberculosis not known to school physicians heretofore. Up to 20 per cent of children applying at 6 years for admission to schools have to be sent home as unfit to attend. School hours are from 8 to 1 o'clock with no afternoon session. Classes are commonly of 45 to 60 children instead of 35 to 40 as formerly. The temperature of classrooms can rarely be kept up to 60° F.

Meat once a week, no milk, bread with margarine or vegetable fat, potatoes, and turnips, meal soup, constitute the most liberal diet of an average school child.

From 1 to 2½ per cent of school children in some districts are found to have open pulmonary tuberculosis. Crippling rickets, bone and joint and gland tuberculosis are common, and there is much skin infection among school children. Scurvy is less common but increasing. A form of ulceration of the eye easily leading to blindness unless quickly recognized, but speedily curable with fresh milk and suitable diet, is noticeable.

The weakness of children from hunger is a common cause of fainting, dizziness, headache, and inability to study and inability to pay attention simply because of hunger. The record of collapse cases in the schoolrooms was never before known to be so great as now.

The extent of undernourishment in the schoolroom is best expressed by the fact that practically everywhere there is a discrepancy of almost two years between the age, the height, and the weight of the children in contrast with the normal child. Photographs have shown that, and I noticed it myself before leaving Germany.

* * * During our first days on the Rhine, none of us drank cow's milk. We thought it was advisable to reserve it for the children. That was as long ago as 1919.

* * * Unemployment is intensifying the distress. The latest figures of the German ministry on labor indicate that in December there were about 3,500,000 totally unemployed persons and an equal number on part time. Several municipalities have reported that the number of destitutes is more than one-half of the population.

* * * The highest peak need will come at the end of March and early in April. Between that period and the next harvest it is predicted that over 20,000,000 people will be utterly dependent on outside charity. The most essential foodstuffs, and those which Germany herself is unable to provide, are fats, cereals, milk, and cod-liver oil, all of which are now reported almost unobtainable for children. What Germany is doing: Information obtained from various authoritative sources indicates that the German relief work is being conducted by the Federal Government, municipality governments, by banks, manufacturers, commercial organizations, by organized charity, and by private individuals. The German Government levied a special property tax, to all intents a simple capital levy, which is now being collected. The greater part has been set aside to cheapen the cost of bread and milk to the destitute, and 5,000,000 gold marks, or $1,250,000, are being used exclusively for the feeding of children. This sum is sufficient to feed 500,000 children for five months on the diminished ration. Its administration is by American Quakers, along with the food sent from the United States. The German Government supplied 47 per cent of the $12,000,000 worth of food distributed in Germany by the Quakers between the spring of 1919 and July, 1922.

* * * The Government is also caring for 1,722,000 war widows and orphans and 320,000 families of the middle and professional classes who have been reduced to poverty and 1,400,000 aged and invalid persons. Municipalities are cooperating with the Government in caring for unemployed and partial dependents and are supplying food to 100,000 or more undernourished children. Practically all German cities, in cooperation with private organizations, maintain soup kitchens for daily feeding of destitute people. They also pay for sending children to the country and contribute funds to hospitals and similar institutions. Native relief agencies are reported to be so severely handicapped by lack of funds and reduced purchasing power of money that they are able to meet only a small fraction of the need. Many hospitals and similar institutions have been forced to close their doors and others to curtail their operations because of lack of medical supplies.

As an example of assistance given by business concerns a recent cablegram received by our committee states that banks in Berlin contributed 700,000 gold marks and in Bremen 200,000 gold marks to relief work during the week of January 12. During the past summer between 300,000 and 400,000 city children were cared for in the homes of German farmers for an average of five months. Monthly shipments of 4,300 tons of foodstuffs, or enough to feed 1,250,000 people, were sent to large cities by farmers.

The situation, with respect to native relief in Germany, is that while large quantities of home commodities can be furnished, those elements vitally essential to restore undernourished German children, such as milk, fats, cereals, and cod-liver oil, are not obtainable in that country. What other countries are doing: Other countries, some of them Germany's most relentless enemies during the war, are going to the relief of the starving German children. The English people are working whole-heartedly to relieve suffering in Germany to-day. A manifesto has just been issued in England, signed by the present Prime Minister, J. Ramsay McDonald; Mr. Asquith, Prime Minister when the war broke out and now leader of the liberal party; General Smuts, Premier of South Africa, and many other leading English citizens of all political faiths. This manifesto describes the hunger crisis among German children and urges the people of Great Britain to come to the rescue. The English Quakers have already done much in a substantial way toward relief.

Many thousands of German children have been taken to Holland and cared for in Dutch homes. The amount of this charity contributed by Holland since the armistice is estimated at $12,000,000. Switzerland and the Scandinavian countries and even impoverished Austria have recognized the distressing situation of the German children and are extending liberal aid. This is given by taking children out of Germany to rebuild their health, as well as by sending money and material relief into Germany. The American Quakers are absolutely convinced that the situation is one which calls for foreign assistance, because supplies which Germany produced in pre-war days were then only 85 per cent of her minimum food requirements.

Mr. FISH. General, do you know whether the Austrians are taking German children to their own country now?

General ALLEN. Yes; we have a report to that effect. It seems inconceivable that such conditions as exist among German children will be allowed to persist when resources for relief are abundant in the countries which are at peace with Germany. The English people, who are working for this cause, declare in their manifesto that though these starving children were our enemies, we are bidden to feed them. Now that they are our stricken neighbors, the obligation is the greater. It has been shown by investigations of our committee that 2,000,000 German children are slowly starving and that an appalling increase in disease and death will result unless outside aid is provided. The American Committee for Relief of German Children has been making strenuous efforts to raise funds throughout the United States for this humanitarian work. Many prominent people in New York, Chicago, and other large cities are devoting largely of their time and money to the cause of the starving German children and the movement is national in scope.

* * * I feel that the movement is one in which all civilization is directly and deeply concerned. It is nonpolitical and nonracial. It is not a question of Slav or Latin, Teuton, or Arab. It is a question of humanity, of civilization, of peace, and for them we make our appeal. Again, I revert to the more sordid phase of the situation, to the value that a donation by our Government to these stricken children of our conquered foe, would have as an asset of friendship in coming years. To me, gentlemen, that is one of the greatest considerations, one of the most impelling, and I can not but feel that importance must be attached to it, even though that thought is without the realm of humanity and civilization.

The testimony of other cititzens of undoubted Americanism who testified before the House Committee on Foreign Affairs is to the same effect. I take it, therefore, that there can be no reasonable question raised as to the real distress and conditions of slow starvation now existent among millions of German children. In lesser degree the same situation is shown to exist as to a very large proportion of the female population of Germany.

It must be borne in mind, also, that General Allen and other prominent Americans are engaged in raising funds from individual sources in the United States for the purpose of giving relief to the women and children of Germany. The $10,000,000 proposed by the resolution under discussion will be, as must be manifest, in no wise adequate to relieve the situation, but it will prove a very substantial contribution to the relief. General Allen heads the committee so engaged.

Whatever the responsibility of the German Imperial Government or the German people themselves for these conditions may be, the fact remains that these conditions do now prevail. The question involved, therefore, seems to be one of humanity and not one of international hatred or vengeful memories. I believe that the same spirit that prompted Congress to vote $20,000,000 for relief of the Russian people should prevail in the present instance.

Second. The joint resolution providing for the suggested relief clothes the President of the United States with power, under such agencies as he may designate—

to purchase in the United States and transport and distribute grain, fats, milk, and other foodstuffs for and adapted to the relief of the distressed and starving women and children of Germany—

and also authorizes the appropriation of such sum as may be necessary for the purpose, not to exceed $10,000,0000, to be expended under the direction of the President, with the proviso annexed that an itemized and detailed report of the expenditures and activities made and conducted through the agencies selected by the President under the joint resolution shall be submitted to Congress. Therefore the entire work proposed by the joint resolution is under the absolute control and authority of the President of the United States, and is in no sense controlled by the German Government. Manifestly the President will so direct and supervise the proposed activities as to serve the real purpose of the resolution, namely, the relief of the women and children of Germany who are in distress. As already indicated, the resolution provides in detail the kinds of food and foodstuffs and materials most needed to meet the situation. Hence there is every assurance that the money thus provided will be expended legitimately and for the purpose of relieving the graver conditions of distress involved.

Third. Much argument has been adduced in the discussion of this relief measure to show that it is unconstitutional. It appears that the constitutionality of such action by Congress has never been determined in the United States Supreme Court; but it is true that throughout all the years of our Nation's history Congress from time to time has assumed the right to enact such relief legislation, sometimes for our own people who have been stricken by flood, famine, or some other form of disaster, and sometimes for the people of foreign lands.

Thus, Congress, in the past, beginning with 1912, has voted relief funds for Venezuela, Ireland, India, Cuba, China, Martinique, and, more recently, for Russia; and the action was not questioned. Congress certainly has some discretion under the "general welfare" clause of the Constitution to deal with such subjects; and it is fair to presume that should the case ever come to a test in our courts, they would uphold the action of Congress. I fully agree with the contention that only an extraordinary case of suffering and need can justify the voting of funds from the United States Treasury for foreign relief; but, in my judgment, the evidence before us clearly presents such a case. It can not be said, in any fairness, that the adoption of this resolution in any way condones or approves Germany's course in the great conflict; in adopting it we are doing no more than civilized nations, in one form or another, have done throughout the centuries. I do not believe that our great Nation, standing at the very apex of civilization and progress, can afford to do less.

Fourth. In recent years, and as a result of the World War, there has been maintained the most earnest advocacy for our entry into a league of nations, or a world court, or some other association or tribunal having for its purpose the promotion of international good will and peace. Conceding that there exists to-day in Germany grave and widespread suffering and distress among her women and children on account of the upheavals and tragic changes growing out of the war and its aftermath, I believe that a bona fide and most pressing claim for international charity here exists, and that our country, by extending the relief provided for in this joint resolution, will accomplish a great work in promoting such international good will. Its action in so doing would not only materially contribute to the relief of the stricken women and children of Germany, but would also serve to further emphasize the fact that our Nation, while ever willing to fight for the ideals of civilization, is always a generous foe, and knows when to assist as well as when to strike.

The amount proposed for relief in the joint resolution, compared with what was done for Russia, and with what has been done for other countries, under similar circumstances, and considered in the light of the conditions which obtain in Germany is, in my judgment, a reasonable contribution for the indicated relief. The enactment of the joint resolution into law will, I believe, fully uphold and confirm in the thought and conscience of the world at large the idea that the American people, though resistless foes in times of war, are dominated by the highest ideals of civilization and humanity in times of peace. I believe the passage of the resolution, and the expenditure of the money carried by it, will constitute an international application of the principle of the Parable of the Good Samaritan.

These are some of the reasons, Mr. Speaker, why I have favored the resolution.

ADJOURNMENT.

Mr. HOWARD of Nebraska. Mr. Speaker, I renew my point of order that there is no quorum present.

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Thursday, March 27, 1924, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

417. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting report of the case of Dewitt & Shobe, Glasgow, Mo., under section 10 of act of March 2, 1919 (40 Stat. 1920), as to river and harbor contracts that became inequitable and unjust, was taken from the Speaker's table and referred to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. NELSON of Wisconsin: Committee on Elections No. 2. A report on the contested election case of Don H. Clark v. R. LEE MOORE (Rept. No. 367). Referred to the House Calendar.

Mr. PARKS of Arkansas: Committee on Interstate and Foreign Commerce. S. 2656. A bill granting the consent of Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.; without amendment (Rept. No. 368). Referred to the House Calendar.

Mr. WINSLOW: Committee on Interstate and Foreign Commerce. H. R. 6425. A bill to prohibit the importation and the interstate shipment of certain articles contaminated with anthrax; without amendment (Rept. No. 369). Referred to the House Calendar.

Mr. GRAHAM of Illinois: Committee on Interstate and Foreign Commerce. H. R. 2665. A bill to authorize the city of Chicago to construct a temporary pontoon bridge across the Calumet River in the vicinity of One hundred and thirty-fourth Street, in the county of Cook, State of Illinois; with amendments (Rept. No. 370). Referred to the House Calendar.

Mr. GRAHAM of Illinois: Committee on Interstate and Foreign Commerce. H. R. 7063. A bill granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa; with an amendment (Rept. No. 371). Referred to the House Calendar.

Mr. GRAHAM of Illinois: Committee on Interstate and Foreign Commerce. H. R. 7104. A bill to authorize the construction of a bridge across the Fox River in St. Charles Township, Kane County, Ill.; with amendments (Rept. No. 372). Referred to the House Calendar.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 114. A bill to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia, and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street, Nicholson Street from Thirteenth Street to Sixteenth Street, Colorado Avenue from Montague Street to Thirteenth Street, Concord Avenue from Sixteenth Street to its western terminus west of Eighth Street west, Thirteenth Street from Nicholson Street to Piney Branch Road, and Piney Branch Road from Thirteenth Street to Butternut Street, and for other purposes; without amendment (Rept. No. 373). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. S. 2332. A bill granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Hughes County and Stanley County, S. Dak.; without amendment (Rept. No. 374). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 8209. A bill to create the inland waterways corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes; without amendment (Rept. No. 375). Referred to the Committee of the Whole House on the state of the Union.

Mr. MADDEN: Committee on Appropriations. H. R. 8233. A bill making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1925, and for other purposes; without amendment (Rept. No. 380). Referred to the Committee of the Whole House on the state of the Union.

Mr. YATES: Committee on the Judiciary. H. R. 714. A bill to amend section 101 of the Judicial Code; without amendment (Rept. No. 377). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 8180. A bill to revive and reenact the act entitled "An act authorizing the counties of Aiken, S. C., and Richmond, Ga., to construct a bridge across the Savannah River at or near Augusta, Ga.," approved August 7, 1919; without amendment (Rept. No. 378). Referred to the House Calendar.

Mr. GRAHAM of Pennsylvania: Committee on the Judiciary. H. R. 7399. A bill to amend section 4 of the act entitled "An act to incorporate the National Society of the Sons of the American Revolution," approved June 9, 1906; without amendment (Rept. No. 379). Referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 3 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6207) authorizing and directing the Secretary of War to transfer to the jurisdiction of the Department of Justice all that portion of the Fort Leavenworth Military Reservation which lies in the State of Missouri, and for other purposes; Committee on Military Affairs reported for reference (Rept. No. 376), and said bill was referred to the Committee on the Judiciary.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WATKINS: A bill (H. R. 8227) to amend the act of August 9, 1921, establishing the United States Veterans' Bureau, and to establish offices of the bureau in the District of Columbia and each State of the Union to handle such business as is committed to the bureau; to the Committee on World War Veterans' Legislation.

By Mr. CRAMTON: A bill (H. R. 8228) to authorize the deferring of payments of reclamation charges; to the Committee on Irrigation and Reclamation.

By Mr. KELLER: A bill (H. R. 8229) granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: A bill (H. R. 8230) to provide for the purchase of a site and the erection of a public building thereon in the city of Kenosha, State of Wisconsin; to the Committee on Public Buildings and Grounds.

By Mr. ASWELL: A bill (H. R. 8231) to amend an act entitled "An act authorizing the Secretary of Agriculture to issue certain reports relating to cotton," and for other purposes; to the Committee on Agriculture.

By Mr. CRISP: A bill (H. R. 8232) to prohibit the collection of a surcharge for the transportation of persons or baggage in connection with the payment for parlor or sleeping car accommodations; to the Committee on Interstate and Foreign Commerce.

By Mr. MADDEN: A bill (H. R. 8233) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1925, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. GARNER of Texas: Joint resolution (H. J. Res. 228) amending public resolution No. 70, approved March 2, 1913, as amended July 26, 1919, authorizing the Secretary of War to loan tents for use at encampments held by certain organizations; to the Committee on Military Affairs.

Also, joint resolution (H. J. Res. 229) authorizing the Secretary of War to loan certain tents, cots, chairs, etc., to the president of the Alamo Council of the Boy Scouts of America for use at the annual camp of such organization; to the Committee on Military Affairs.

By Mr. BYRNES of South Carolina: Joint resolution (H. J. Res. 230) directing a census to be taken of bales of cotton now held at various places; to the Committee on the Census.

By Mr. GRAHAM of Pennsylvania: Resolution (H. Res. 235) for the consideration of House Joint Resolution 184, proposing an amendment to the Constitution of the United States; to the Committee on Rules.

By Mr. TINKHAM: Memorial of the Legislature of the State of Massachusetts, urging Congress to appropriate funds to carry out certain recommendations of the Chief of Staff of the United States Army made in furtherance of the national defense act of 1920; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTNESS: A bill (H. R. 8234) for the relief of Fayette L. Froemke; to the Committee on Naval Affairs.

By Mr. EDMONDS: A bill (H. R. 8235) for the relief of Aktieselskabet Marie di Giorgio, a Norwegian corporation of Christiania, Norway; to the Committee on Claims.

Also, a bill (H. R. 8236) for the relief of the Government of Canada; to the Committee on Claims.

Also, a bill (H. R. 8237) for the relief of Bruusgaard Kiosteruds Dampskibs Aktieselskab, a Norwegian corporation, of Drammln, Norway; to the Committee on Claims.

By Mr. EVANS of Montana: A bill (H. R. 8238) for the relief of Minor Berry; to the Committee on Military Affairs.

By Mr. FISH: A bill (H. R. 8239) granting an increase of pension to Emma L. Jesser; to the Committee on Invalid Pensions.

By Mr. GERAN: A bill (H. R. 8240) granting a pension to John Mundy; to the Committee on Pensions.

By Mr. HAUGEN: A bill (H. R. 8241) for the relief of Mary A. Nicklaus; to the Committee on World War Veterans' Legislation.

By Mr. HILL of Maryland: A bill (H. R. 8242) for the relief of Samuel T. Griffith, formerly a first lieutenant, United States Army; to the Committee on Military Affairs.

By Mr. McKENZIE: A bill (H. R. 8243) granting a pension to Christofa Preston; to the Committee on Invalid Pensions.

By Mr. MAJOR of Missouri: A bill (H. R. 8244) granting a pension to Mollie F. Shockley; to the Committee on Pensions.

By Mr. MERRITT: A bill (H. R. 8245) granting an increase of pension to Josephine M. Downes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8246) granting an increase of pension to Catherine Loriot; to the Committee on Invalid Pensions.

By Mr. MILLS: A bill (H. R. 8247) for the relief of the estate of Carl Anderson; to the Committee on Claims.

By Mr. OLIVER of New York: A bill (H. R. 8248) for the relief of S. Silberstein & Son (Inc.); to the Committee on Claims.

Also, a bill (H. R. 8249) for the relief of S. Silberstein & Son (Inc.); to the Committee on Claims.

By Mr. PRALL: A bill (H. R. 8250) for the relief of Regine Porges Zimmerman; to the Committee on Claims.

By Mr. RAINEY: A bill (H. R. 8251), granting a pension to Newton Ernest McElvain; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 8252) to correct the military record of James Brummett; to the Committee on Military Affairs.

Also, a bill (H. R. 8253) granting a pension to Leander Cook; to the Committee on Pensions.

Also, a bill (H. R. 8254) granting a pension to Litha I. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8255) granting an increase of pension to Mary E. Steeley; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 8256) granting a pension to George Robinson; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 8257) granting an increase of pension to Grace F. Briggs; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 8258) for the relief of Capt. Frank Geere; to the Committee on War Claims.

By Mr. WAINWRIGHT: A bill (H. R. 8259) to authorize the President to reconsider the case of Frederic K. Long and to reappoint him a captain in the Regular Army; to the Committee on Military Affairs.

By Mr. WATKINS: A bill (H. R. 8260) granting a pension to Carrie F. Pierce; to the Committee on Invalid Pensions.

By Mr. WEFALD: A bill (H. R. 8261) granting a pension to Eliza Prody; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2034. By the SPEAKER (by request): Petition of citizens of Boston, Mass., protesting against the imprisonment of Eamon de Valera; to the Committee on Foreign Affairs.

2035. By Mr. BARBOUR: Petition of Fresno Lodge, No. 723, I. O. B. B., of Fresno, Calif., protesting against the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2036. By Mr. CAREW: Petition of the Kossuth Ferencz Hungarian, Sick and Benevolent Association, and other societies of New York City, N. Y., opposing the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2037. By Mr. CRAMTON: Petition of Athena, the Woman's Club of Algonac, Mich., urging favorable action on the child labor amendment; to the Committee on the Judiciary.

2038. By Mr. LEAVITT: Petition of the Masonic Lodge at Stanford, Mont., Palestine Lodge, No. 88, urging the passage of the Johnson immigration bill without amendment by June 1, 1924; to the Committee on Immigration and Naturalization.

2039. By Mr. MacGREGOR: Petition of 20 Italian organizations in the city of Buffalo, N. Y., protesting against the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2040. By Mr. RAINEY: Petition of Peoria and Tazewell County (Ill.) Wild Life Association, opposing discharge of Chicago sewage into Illinois River; to the Committee on Rivers and Harbors.

2041. By Mr. TINKHAM: Petition of members of Boston City Club favoring release of Eamon de Valera; to the Committee on Foreign Affairs.

2042. By Mr. VARE: Petition of Philadelphia Board of Trade, urging approval of increased appropriation to the Customs Service, included in the Treasury-Post Office appropriation bill; to the Committee on Appropriations.